

THE ECONOMIC HISTORY
OF ENGLAND

AGENTS

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AN INTRODUCTION
TO THE
ECONOMIC HISTORY
OF ENGLAND

BY

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READER IN HISTORY TO THE UNIVERSITY OF AMHERST

I. The Middle Ages



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PREFACE

WITHIN recent years there has been a large and welcome accession of printed materials for the study of English Economic History. The Patent Rolls and similar publications, as well as an invaluable series of town records, including the Letter-Books of London and the Records of Bristol, Colchester, Coventry, Leicester, Northampton, Norwich, and York, have now become available. The importance of these publications, which present what is largely a virgin field for the investigator, will be readily recognised.

The purpose of the present volume is to utilise both the older sources of evidence and the new material which has so extensively accumulated.

My thanks are due to Mr. W. F. W. Mortlock, Trinity College, Cambridge, and Mr. F. P. Wilson, Lincoln College, Oxford, for their assistance in reading the proofs.

E. LIPSON.

Oxford, June 1913.

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ECONOMIC HISTORY

CHAPTER I

THE ORIGIN OF THE MANOR

THE term manor came in with the Norman Conquest¹, but the manorial system itself was not the work of the Normans. It was already in full growth when William first set foot on English soil, although continental ideas profoundly modified its later development. Beyond this point, however, certainty ends, and it is still disputed among historians whether on the eve of the Conquest the manor was comparatively a recent institution, or whether it was the original basis of English society. The problem of the manor has accordingly given rise to two schools, the Manorial and the Teutonic. The former connect the manor with the Roman system of land-holding which, they assert, was adopted by the English invaders as the basis of their settlement. The latter maintain that the Saxons settled on the soil in free village communities of peasant proprietors, who gradually lost their freedom and developed into the villains of Domesday Book. The issue between the two schools is not a barren speculation, but a matter of the greatest historical importance. It involves the fundamental question whether the starting-point of our history is the freedom or the servitude of the great mass of the nation. The Roman theory of the manor implies that from the first the rural population of England consisted, not of a race of free peasants tilling

The
problem
of the
manor

¹ "This name *Manor* began with the Normans . . . for I find not earlier names with the barons": *A Manor and Great Baron* (Hartford MS. 6714), ed. M. J. Roper (1909), p. 11.

their own lands, but of dependent serfs in a condition of legal and economic subjection to their lord, the doctrine of "original Teutonic freedom" being replaced by one of aristocratic domination. The alternative theory holds that the village community in its primitive stages was entirely free from any manorial bondage, and was composed of independent husbandmen owning the land they occupied. Upon the view adopted depends our interpretation of the economic history of England for a thousand years after the coming of the English. If the foundations of English life rested from the outset upon serfdom, then the course of English social development has been from slavery to freedom. But if the fabric of English society was based on freedom, then the course of evolution was in the direction of legal and economic dependency. Thus the problem of the manor runs like a thread throughout the mediæval ball of English history.

The
manorial
system.

The position of the manorial school is expressed in the view that "more things went to the 'making of England', than were imported in the heels of the English invaders of Britain."¹ The English manor is regarded as the outcome of two elements, the Roman villa and the Teutonic tribal system. The Roman villa—the prevailing type of estate under the later Roman Empire—was a large private estate worked originally by slaves under the control of a villanus or steward, but tending to become increasingly like a manor owing to the addition of coloni.² These coloni were semi-serflike tenants, who had each his own homestead and land but paid tribute to the lord, thus bearing a close resemblance to serfs. They were recruited from barbarians settled within the Empire, or from free tenants whom the burden of taxation had driven to abandon their liberty. Besides the marked affinity between the villa and the manor, proof is advanced of actual historical continuance between them, the evidence for this being drawn chiefly from Gaul.³ In fact, in all the Roman provinces which passed under Teutonic sway the villa continued to survive, and the result of the Conquest in this respect is represented as

¹ F. Seebohm, *The English Village Community* (2nd ed.), p. 100.

² *Ibid.* 103.

³ *Ibid.* 103.

mainly a change of lordship.¹ The Roman lord of the villa gave place to the Teutonic lord of the manor, while the servile cultivators of the soil remained unchanged. The ease with which barbarian chieftains and tribesmen slipped into the position of the Romans, and were absorbed into the complex arrangements of Roman society, is explained by the assertion that in their own country they were lords of vassals.² Tacitus's account of the ancient Germans is interpreted to show that their tribal system comprised numerous domestic German slaves, when not attached to the household, were servile tenants over whom the tribesmen exercised a manorial authority. It was natural, then, that the Teutonic settlements in the conquered Roman provinces should be on manorial lines; the Teutonic and Roman land-systems, so closely resembled each other that they easily combined to create the manorial system of medieval Europe.³

Admittedly no direct evidence exists to prove the continuity of the Roman villa and the English manor, but everything is held to indicate that the process which evolved the manor on the continent was at work in this country. The identity of the manorial system in England with that of North France and Western Germany points to their common origin, but the latter was clearly the outcome of Roman influences⁴, and so justifies the view that similar influences produced the English manor. Moreover, many features of the manor can only be explained by the theory of a Roman origin. In the first place, the distinction between the tributary holdings of the servile tenants and the domain round which they were gathered, comprised the essence of the manorial idea⁵, but was absent from the economic systems of both Wales and Germany. Welsh society included a class of tenants, termed *tigga*⁶, who were settled on the soil and furnished contributions to the chief of the tribe. But they were a separate community, situated apart from the free tribesmen and working their holdings for their own

¹ *Revue des études latines*, 1902, p. 412.

² *Ibid.* 1902, 412.

³ *Ibid.* 1902.

⁴ Cf. J. Aubry, *The Origin of Property in Land* (1889), p. 227, 228.

⁵ *Ibid.* p. 30.

⁶ Cf. *Revue des études latines*, 1902, p. 412.
⁷ Cf. *Revue des études latines*, 1902, p. 412.

benefit. The tenants themselves were not lords of manor, "an aristocracy of idle conspirators living on the produce of servile labour", but cultivators of the soil who maintained their households by their own exertions. Similarly, the German land-system, of Tacitus's description of the first century is applicable to the fifth, may have exhibited some seasonal tendencies, but there was certainly no intimate relation established between the home farm and the dependent holdings, no concentration of labour and capital upon one and the same estate—the distinctive marks of the manorial system. On the other hand, the distinction between the *domus* and the *villanorum*¹ is an important feature of the villa, and accordingly is regarded as conclusive evidence that the English system of land-holding was developed from the Roman.

The
agrarian
"shell".

A second characteristic of the manorial community was the nature of the agrarian "shell" into which it fitted—namely the Open Field System of cultivation. On this feature of the manor the evidence of Haskin is cited: "The Anglo-Saxons and the Frisians and Low Germans and Jutes who came with them to England cannot have brought the three field system with them into England, because they did not themselves use it at home in North-West Germany and Jutland."² In North Germany, which was free from Roman influences, the one field system prevailed, and here was the home of the English invaders. But the three field system is found in Roman provinces³ or in districts adjoining them, and must therefore be attributed to the Romans, who seem to have introduced it into Britain. Britain during the Roman occupation formed "the granary of the North", and the importance of its corn tribute led the Romans to improve its methods of tillage. Further, the English manor, besides reproducing the fundamental features of the villa, retained many of the actual historical usages of the Romano-German provinces⁴.

¹ *Antiq. Org. of Propert.*, p. 1000.

² *Roman Agrarianism* (Alton, 1886), vol. I, vol. I, p. 100.

³ *Antiq. Org. of Propert.*, p. 1000.

⁴ *Antiq. Org. of Propert.*, p. 1000.

The mediæval system of tenancies based on the hidage, and many of the manorial services exacted from the villi, have their origin in the Roman land-system.

Other arguments are advanced in favour of the Roman origin of the manor. There is documentary evidence, extending back to the seventh and even sixth century, to show that Saxon estates of a manorial type existed in England for hundreds of years before the Norman Conquest¹. Of these Anglo-Saxon documents the best known is the *Archiepiscopus Singulorum Personarum* belonging to the eleventh century², which affords a general picture of northern times, only lacking Norman terminology to make it complete. It is supplemented by other documents which describe two early English estates of a manorial character, *Tidenham* and *Stokes*. Lastly, the laws of Ine (seventh century) and of Æthelbert (ninth century) are interpreted in favour of a manorial structure of society. It follows, therefore, that almost immediately after the English Conquest the manor had become the prevailing type of estate, and must accordingly have been the original basis of the Saxon settlements. The intervening period is too short to allow of the alternative theory that England was covered with free village communities, which were gradually reduced to manorial subjection. Thus on the one hand the mediæval manor traced its most characteristic features to the Roman villa, while on the other it was prevalent among the Anglo-Saxons very soon after their conquest of Britain.

This conclusion is also reached by another line of argument based upon the indivisible nature of the tenurial holdings. The universal feature of the mediæval village community was the equality of the holdings, which almost everywhere conformed to a uniform standard.³ From the earliest times the normal type of peasant holding was the yardland, or virgate, consisting of thirty acres scattered in strips over the open fields. These virgates were never divided among heirs, and for centuries had passed from father to son without

¹ See below, pp. 221-225.

² E. Liebigmann, *Das Gesetz der Angelsachsen* (1862), I. 444-452.

³ *Ibid.*, p. 32.

Notes
of the
original
author.

losing their unity. But this equality in the tenements, which was maintained by the rule of undivided sectioning, could only have proceeded from their servile character. It was the distinctive mark of the free holding that it could be divided among heirs or otherwise alienated, and accordingly free tenants could at once be singled out by the inequality of their holdings. Now if the great mass of peasants had once been free, the equality which characterized their holdings would speedily have disappeared, and certainly not have lasted for many centuries. Its uniformity and its permanence can only be accounted for by the supposition that the bulk of the holders of yardlands had at no time possessed that right of alienation, which their servitude alone could have denied to them. The system of indivisible holdings on the medieval manor is accordingly held to prove its servile origin, and this inference confirms the contention that the manor was a continuation of the villa.

The
Tudor
school

Another school of thought insist upon the Teutonic aspect of English history—though the importance of the Celtic element now receives wider recognition¹. They reject the doctrine of the memorial school, and regard the manor as a native growth which owed little or nothing to Roman influence. We have to consider, therefore, the grounds on which they deny the Roman origin of the manor, and the alternative hypothesis advanced in its stead.

Tudor
school
aspect of
English
history

The Roman theory of the manor involves certain social implications which seem to destroy completely the validity of its position. If the Saxon invaders adopted the Roman land-system and the manor was always the normal type of estate, then the character of the English Conquest has been entirely misconceived, and we must suppose that the Roman occupation of Britain left permanent traces which deeply affected the subsequent development of the English nation. In place of the utter destruction of Roman civilization with which the Conquest is usually associated, it would follow that Roman organization, social and economic, continued to survive with few or no changes. The Celtic population, instead of being exter-

¹ *Journal* 12 p. 94.

minuted or displaced, would have remained as the basis of the new civilisation, and the Saxons could only have formed a comparatively small body which assumed the position vacated by the Romans. This implies that the foundations of English life, instead of being predominantly Teutonic, were nearly Roman and Celtic. The Saxon Conquest, it is maintained, did not destroy existing society, and the English state was built upon the ruins of the past¹. "The object of the races who broke up the Roman Empire", Pearson holds, "was not to settle in a desert, but to live at once as an aristocracy of soldiers, drawing rent from a peaceful population of tenants". Most elaborate of all were the 'learned and ingenious' theories of Coote in his work on the Romans of Britain. The Anglo-Saxon invaders, he contended, did not make a *tabula rasa* of Britain²; they were "sufficient only to provide masters for the conquered race, not colonisers"³, and the natives were spared to minister to their wants. All the institutions of early English society, the shire, the hundred, the tithing, the *twelfs* assembly, the borough and the guild, were traced to a Roman origin⁴. These conclusions are the outcome of the Roman theory, but they are irreconcilable with the Teutonic colouring of English history and cannot therefore be accepted. The English language, law and religion, and the names of English villages, towns, districts prove that the masses of the people were not of Celtic but of Teutonic blood. Philologists appear to agree with the statement that our language contains "few Celtic and still fewer Latin words"⁵. "The tendency of modern scholarship", says a recent writer on philology, "is to decrease the number of Celtic words in English

¹ C. H. Pearson, *History of England* (1897), i. 102-103. That the invaders would step into the place of the Roman lords is also insisted by *Medieval Village* (1900) pp. 120-121; *Antiquary, Origins of Property*, p. 100-101.

² H. C. Coote, *The Romans of Britain* (1874), p. 70.

³ *Ibid.* 100.

⁴ *Ibid.* 100. *Parliament, etc.* i. 36 (borough); 100-102 (guild); 121 (shire). Christianity paved the way for the work of St. Augustine; 121 (A.D. conquest was the old Roman society of Britain); 124-126-127 (the old Roman *colonia* itself apart is *colonia*); 126-127 (the Roman *colonia* or *colonia* survives in the fact, as A.D. 126, 127).

⁵ H. A. Freeman, *The Norman Conquest* (1867), i. 15. Contrast Pearson, *op. cit.* 102 and App. A; and Coote, *op. cit.* 36-37.

the number of Celtic words adopted into English before the twelfth century is less than a dozen, and several of these were probably imported from Ireland or the Continent.¹ If the bulk of the nation had been other than Teutonic, it is impossible to believe that more numerous traces of their speech would not have been imprinted on our language; and their absence is "an objection which goes to the root of the whole matter."² As to law, Stubbs declared that "the vestiges of Romano-British law which have filtered through local custom into the common law of England . . . are infinitesimal."³ In religion the Saxons remained heathen for a century and a half, while their ultimate conversion was the work of missionaries from Rome. The names of our villages, we are also told, "are so overwhelmingly English that a British name is almost as rare as a British word in our language."⁴ It is extremely improbable that a small group of settlers, planted in the midst of a Celtic village, would have been able to impose its own characteristics upon the native population, when we bear in mind how stubbornly the inhabitants of a village cling to the old traditions and landmarks. All this makes it incredible that the Celts formed the most considerable element in the population.⁵ Moreover, Bede tells us that the houses of the Angles were left empty, and the indicators a migration of tribes and not of a mere handful of practical Christians.⁶

There is a wide divergence of opinion as to the extent of Roman influences on Britain and the nature of the English Conquest. Britain was ordered after the usual manner of Roman provinces, and appears to have attained some con-

Roman
Influences
on Britain.

¹ I. F. Smith, *The English Language* (1915), 20. Kennedy, *M. C. O. M. The Historical Study of the English Tongue* (1926), 297.

² F. W. Hargreave, *Dictionary, Root and Branch* (1907), 200.

³ W. Stubbs, *The Constitutional History of England* (1875 ed.), I, 47.

⁴ W. H. Stevenson in *The English Word* (Knox, 1917), 228. Some scholars would "credit an enormous displacement of the native population."

⁵ Freeman did not hold, as it often supposed, the theory of complete extermination. *Four Great Nations* (1888), 62, 72-73, 82.

⁶ *Franklin's British Opera Britannia* (ed. C. Freeman, 1894), i, 101, n. 25. Chastelain (*The Conquest of the English Nation*, 1907, p. 216) repeats Bede's statement as an exaggeration, but seems to agree with the main contention.

sensible degree of civilisation. It was governed by Roman officials and planted with Roman settlers, who reproduced the domestic features of Roman life and culture. Roads were constructed, the most permanent fruit and abiding witness of the Roman occupation; improved methods of tillage were introduced, mineral wealth was exploited¹, and the resources of the country were energetically developed. None the less Britain always remained the outpost of the Empire, valuable only for its strategical position and for its own tribute. It was the last province to be acquired and the first to be abandoned; while its civilisation was superficial and not deep-rooted. Gaul and Spain² were completely transformed by the thorough permeation of Roman influences; but in Britain Celtic life flowed on undisturbed. The arrangements of tribal society continued side by side with the large private estates of the Roman landowners, for the existence of a landed aristocracy was not incompatible with the continued survival of Celtic life in all its primitive aspects³. In any case, the nature and extent of the villa system would seem to have been exaggerated. Roman villas, while numerous, were not sufficient to exclude other systems of land-holding. The view that Italy and the provinces were ruled by the development of large estates, *latifundia possidentes Italiani*, needs to be modified⁴. Again the villa was not identical with the medieval manor⁵, for the position of the *villanus* was not attended by the absolute vassalage of all legal pretensions and complete subjection to the lord which stamped the English serf.

But, in any case, Roman civilisation in Britain must have been largely swept away in the disruption of society that followed the retreat of the Roman legions. Internal factions and the raids of Picts and Scots and Saxons completely destroyed the fabric of Roman life, which had rested upon the

disruption of
the Roman
society

¹ *Vindolanda Excavations* (1928), p. 1. For Roman roads, *ibid.*

² *Ibid.* and *ibid.* facing p. 108.

³ *J. Haverkamp, The Province of the Roman Empire* (ed. rev. ed., 1927), p. 46.

⁴ *Vandergaard, Growth of the Manor*, ch. 1, p. 10. But Haverkamp (*loc. cit.*) *op. cit.* (1927) holds that "the Britons generally adopted the Roman speech and civilisation."

⁵ *Vandergaard, Growth of the Manor*, ch. 66, and authorities cited, p. 102 (p. 102).

⁶ *Ibid.* *ibid.*

unstable foundations of a military occupation. The arrangements of Roman society were too complex, too sensitive under conditions of general disorder, and the intricate relations of the villa system could not have been maintained in the disintegration that everywhere prevailed. Nor was the English Conquest a mere repetition of the Frankish invasion of Gaul. It was not the work of one man, the result of a single battle. It lasted a hundred and fifty years, and was a stubborn long-drawn-out conflict between the Britons and their aggressors. Step by step the Welsh were driven back-ward, but their grasp of the soil was tenacious and they fought every inch with resolution. The struggle was accompanied by the sack of towns¹ and by the burning of villas. The Saxon Conquest of Britain was accordingly no mere substitution of a Teutonic for a Roman aristocracy as in Gaul; it was the displacement of one nation by another, and in that displacement Roman life had but little chance of survival.

*Further
developments
Domestics*

Other evidence drawn from the eleventh and thirteenth centuries indicates that the early English settlements were not of a manorial type. The manorial school lay stress upon the supposed uniformity of manorial life as an argument against the possibility of haphazard and piecemeal development. They convey the impression that the medieval rural community was everywhere composed of dependent tenants under an overlord. But this impression scarcely survives a closer analysis of Domesday Book, which represents a state of things very different from that of later times. Manors exist in abundance, but many are still 'in the making,' and point to a gradual growth rather than to a cast-iron system forged at a single stroke. But a more striking feature is the existence of numerous villages in which all traces of the manorial system were still absent. They were free villages over which no lord could claim a manorial authority². Gwentchester near Cambridge contained fifteen men, who were all free and had conserved themselves to different lords³. It was then not a manor in the

¹ H. Cotton, *Twelve and Half of the Norman Kingdom* (ed. Murray), vol. viii.

² Mitchell, *Domesday Book and Beyond*, 170. ³ *Ibid.*, 171/2.

sense of an estate owned by a lord and occupied by a community of dependant serfs, nor was there any economic concentration of labour round a domanial centre. This description of Grenteloster is equally applicable to many villages in Cambridgeshire and other counties.¹ It would be erroneous to explain these instances of lordless villages by the supposition that they were all Danish settlements. The coming of the Danes admittedly introduced a free element into England, but Cambridgeshire at all events was not Danish², while Yorkshire, which was Danish, contained fifteen times as many serfs as freeholders. We cannot therefore explain the element of freedom in the Domesday structure of society as purely Scandinavian. The free villages were in fact normal³, not less so than the communities in serfdom, and they accordingly refute the assertion that the manor was the prevailing type of Saxon settlement. Further, Domesday Book shows that a very considerable number of the cultivators of the soil were freeholders⁴. A substantial number of freemen were to all appearance not attached to any manor, but were extra-manorial. They held land of which the title was derived from the Saxon Conquest, and not from the grant of a lord. These lordless villages and unattached freeholders appear to be survivals of a condition of things once general throughout England.

The social structure of the thirteenth century is less easily analysed, but its evidence suggests similar conclusions. "There is a stock of freedom in it or" ^{of free} ^{also only in} ^{the 13th} "A speaks of Saxon traditions".⁵ Indications still remained in witness of the time when freedom, instead of servitude, had been the lot of the rural population. In the first place, it is difficult to suppose that all free tenants, when not of Danish or Norman stock, were either emancipated villans, enfranchised by the concentration of their labour services for rent, or

¹ E.g. Norththorpe: J. H. Round in *Vind. County Hist. North.* i. 266.

² Mitchell, *op. cit.* 128. The fact that it was part of the Danelaw does not make its settlement area of Danish blood. For a partial explanation of this greater freedom, see *supra*, p. 10.

³ *Ibid.* 121.

⁴ Cf. P. Vinogradoff, *English Society in the Thirteenth Century* (1908), 171.

⁵ Halliell, *The Domesday Inquest* (1908), 125.

⁶ P. Vinogradoff, *Villagers in England* (1921), 133, 136.

holders of new tenements carved out of the demesne and waste.¹ Often their services were too slight to be explained in this way, and the pecuniary rent represents an inadequate equivalent for an original liability to week-work.² These free verges must accordingly be regarded, not as originally servile, but as 'ancient and permissive' tenements which had escaped the general servitude.

They appear to be an indication that the manor was re-imposed upon the free village as the outcome of a feudal development that was only partially complete. Secondly, the villans on the Ancient Demesne of the Crown had a peculiar status, being given a legal protection that was denied to those on private estates.³ Apparently the king displayed greater consideration to his tenants than was shown by lesser landlords, and made no attempt to deprive them of rights once shared by all the peasantry. Again the privileged position occupied in later times by the men of Kent, who are entered in Domesday Book as *villains*, reveals the existence of an element which for one reason or another had succeeded in achieving recognition of its freedom.⁴ Moreover, the villain's right of action even against his lord for the recovery of his plough-team, if it is anything more than simply a belated and humane concession, may have survived from the time when he could assert all the rights of freemen.⁵ Finally, stress is laid upon the fact that until the Statute of Merton the common law did not allow the lord to enclose the commons without the consent of his free tenants.⁶ This conflicts with the feudal theory that the villagers' right of commons proceeded from the grant of the lord, and was therefore removable at will. It suggests that the rights of the commons go back to a period when the lord had no place in the rural community and no voice in the management of the waste.

The considerations on which the case for the Norman origin of the manor is based, are open to an interpretation

¹ On the post-Domesday villans and freemen see *infra* p. 49.

² Vinogradoff, *Villainage*, 224-227.

³ *Ibid.* p. 30.

⁴ *Ibid.* p. 30. For the freedom of Vinogradoff, *op. cit.* 188-190.

⁵ *Ibid.* p. 42.

⁶ *Ibid.* p. 22.

It is not
at all
clear that
the
manor was
a
unit.

richly different from that drawn by the manorial school. The similarity between the economic systems of medieval England and the later Roman Empire cannot be disputed, but it does not prove continuity. The resemblance of the manor to the villa is not conclusive proof of historical connection in the light of the contrary evidence afforded by language and religion, the nature of the Conquest, and the survival of free elements in the medieval community. Moreover, the intimate relations between English and continental manoreries probably led, we may conjecture, to the introduction of many Roman usages to be found in English rural life. Again the documentary evidence is too fragmentary for any general theory of early English society. The *Rectitudines Singulorum Personarum* repeatedly insists that there is no uniformity. "This land-law holds in certain places, but elsewhere, as we have said, it is heavier or lighter, for the institutions of all estates are not alike. Let him who is over the district take care that he knows what the old land-customs are and what are the customs of the people"¹. The picture here suggested is one of heterogeneity and irregularity rather than of a uniform manorial life. The Tidenham and Stoke cases are of doubtful date and are not regarded as trustworthy². In any case, it would be unsafe to regard the manor as the prevailing type of estate from the earliest times, on the ground that some was in existence before the Norman Conquest. Lastly, the equality of the holdings does not necessarily imply a servile origin. The unity of the virgate was largely artificial, and while preserving its primitive and indivisible character where the lord was concerned, often supported more than a single family. Among the villages of Ashfield Magna³ in Suffolk there were thirty-five joint-tenements held by groups of tenants, ranging from two to seven in number. On the manor of Gillingham in Suffolk⁴ there survived down to the sixteenth century eighteen villan tenements, which still retained a

¹ *Rectitudines Singulorum Personarum* : 407.

² *Medieval Documentary Texts and Studies*, 120-121.

³ E. Powell, *A Suffolk Manorial in the Year 1216* (1912), 78.

⁴ *East County of Suffolk*, I, 362.

strict legal unity and sent representatives of the original tenants to the manorial court, although one tenant alone was occupied by a score of tenants. The fact that the holding was in the hands of more than one tenant is sometimes openly avowed. The rental of a manor in Kent¹ states that rent is due from the tenant *et possessoris eius*. The fiction of indivisible yardlands served, in fact, its purpose in the eyes of the lord by attaching the responsibility for the services which he claimed to some recognised individual. But, after all, economic forces militated against undivided units, and these considerations also influenced the free tenants.

The
growth of
the manor.

We have now to trace the process by which a nation of free cultivators became gradually transformed into one of dependent serfs. The growth of the manor was nowhere uniform, but we can best consider the means by which the transition from freedom to servitude was accomplished under three heads: local and economic forces,² the edicts of government, and the rise of a military class.

(a) *Local
causes.*

Chief among the local causes which helped to create the manorial system was Danegeld, a tax on the hide levied originally as a tribute to buy off the Danes, and afterwards retained as a permanent land-tax. Its incidence was extremely heavy, and its sweeping character may be gauged from the amount exacted in 1084, when William laid a geld of six shillings upon every hide³. If we take the value of the hide as approximating to about twenty shillings a year, and remember that the price of an ox was two shillings⁴, it will be seen that the holder of a hide was burdened with a tax equivalent to three of his oxen and close upon one-third of the annual value of his land. Nor was the geld of 1084

¹ *Customs of Battle Abbey* (ed. J. H. Round, 1885), 42. Similarly *Presbytery of Somersy* (ed. C. R. Stretton, 1902), 4, 349.

² J. H. Round, "Danegeld and the Process of Feudalisation", in *Downside Studies* (ed. P. H. Dave, 1888), i. By "feudalisation" Danegeld was the tribute to buy off the Danes; it began on about 1000, before 921, the year when it is supposed to have become a national levy. The "feudalisation" Danegeld began in 1012 for the payment of Danish ships; the "Conquest" Danegeld of about 1066, when the ships were paid off; died, 95, 81.

³ Cf. *ib.*, 82; *Medieval*, 47-48, 4, 44.

excepted, for before the coming of William the Danish tribute had risen to more than thirty thousand pounds of *wē* (say believe the *Chronicle*, and other large sums were paid yearly common¹). The imposition of Danegeld was undoubtedly attended by important social consequences. Its pressure set in motion a force powerful enough to ruin the small landowners, and degrade them from a condition of sovereignty into one of economic dependency. Inability to pay the tax constrained them to borrow without the power to repay. The wealthy benefited by the distress of the weak, and were afforded a hold over the impecunious villagers which the process of time served only to consolidate. In this way the economic independence of the peasants was imperilled, and with it lost their best title to the rights of freemen. Social divisions began to lose their original firmness of outline. Intermediate classes and new strata of society appeared between those fully free and those completely enslaved.

The importance which rightly attaches to Danegeld, as a decisive factor in social and economic development, has given rise to a theory that the manor in Domesday had a technical meaning relating to its apportionment and collection. "a manor is a house against which gold is charged"². According to this doctrine, the manor in its origin was a fiscal institution intended to serve as a unit of assessment. The country was parcelled out into districts for purposes of rating, and in each a particular house was chosen and held accountable for the gold of the district surrounding it. The manor-house is therefore represented as the channel of payment, the centre to which all in the neighbourhood brought their quota for collection by the royal officers. This view is also held to explain the difference between the various classes of men enumerated in Domesday Book³. The lines of demarcation were fiscal lines. The villans were those for whose gold the lord was directly responsible, while the freemen and the sokemen answered for their own gold. This theory

Monast. H. Henry.

¹ The figures in the *A.-D. 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of the manor has not, however, gained acceptance. The term *manor* was used as *Domesday* interchangeably with the word *terra*¹, and could not therefore have been "an accurate term charged with legal meaning." Again, six free estates, described not as manors but as "lands" (*terrae*), and forming part of a large manor, stood separately to the gold², other estates also are described as manors without paying any gold³. These facts are at variance with the view that the manor was a gold house and a local unit. Moreover, we learn from the Gold Inquest of 1284⁴ that the royal collectors sometimes experienced difficulty in gathering the tax because the villeins withheld their contributions, and this again conflicts with the theory that the lord was answerable for them. Hence, while no doubt the lords ultimately came to be held responsible for the taxes of their tenants, yet the repartition and collection of the Danegeld appear to have been originally entrusted to the hundred and the township⁵. None the less, if Danegeld does not actually explain *Domesday* terminology, it will remain true that it was capable of depressing the great mass of the rural population and converting villages of free peasant proprietors into manors of unfree villeins. Indeed, the larger element of freedom to be found in the *Domesday* may very well have been due, in part, to the immunity which its inhabitants seem to have enjoyed from fixed obligations incumbent upon the rest of the kingdom⁶. Nor was Danegeld the only tax that was instrumental in furthering the subjection of the free landowners. The Church claimed tithes as well as other dues⁷, and a demand for a fourth part of the earth's produce was oppressive. Thus the burden of taxation imposed by Church and State was a powerful factor

¹ J. H. Round, "The *Domesday* Manor", in *English Med. Studies*, iv, 224. For *Convey. Hist. Englishland*, i, 272-273.

² *Encyclopæd. English Gloss.*, 268.

³ *J. Tail in English Med. Studies*, iii, 370.

⁴ *Domesday, Domesday Legend*, 124.

⁵ *Encyclopæd.*, op. cit. vol. 100, 222.

⁶ J. H. Round, "Types of Manorial Structure in the Northern Counties", in *English Med. Studies*, ii, (April), 20.

⁷ *Encyclopæd.*, *Churchland*, 215. H. Hall, "Customary Rents" in *English Med. Studies*, ii, 211-222.

in the movement that was transforming England into a land of manorial communities and servile offices of the soil.

Economic influences operated in the same direction. The larger landowners, with land to spare, settled tenants upon it, and so at a stroke created the manorial fabric. The Church adopted the practice of leasing its land, nominally for three lives.¹ This landlord, as it was called, anticipated in many respects the feudal ideas of a later period, and enabled the Church to establish a lordship which in the case of poorer men might readily assume a manorial aspect and involve the obligation to provide services. In other cases the emancipating process was at work in the village itself, and enabled the lord to tighten his grasp upon land which once lay in the absolute ownership of the villagers. The devastations of the Northmen, the recurrence of bad harvests, the harshness of the criminal code², would easily suffice to ruin the peasant and send them borrowing to some wealthier neighbour, to whom they would surrender their land and receive it again as a dependent tenant.

The economic revolution that from the days of law in the seventh century was changing the face of England and covering it with servile communities, was not the work of economic and local forces alone, but was largely the outcome of political agencies. The barbarians who overran the Roman Empire replaced the city state of the ancient world by the national or country state of mediæval and modern Europe. But the weakness of their political organization rendered the central government unable to cope with its responsibilities, and decentralization followed. Accordingly the Feudal System, defined as the social and political domination of a military and land-owning aristocracy, became an indispensable stage in the evolution of modern Europe. England passed through a similar phase of development, and the failure of the state to institute a firm control over every part of the kingdom had its direct consequences in the spread of patronage and manorial lordship. The sources of this political element

¹ *Medieval Geography Book and Beyond*, pp. 275-276.

² Cf. Pollock and Maitland, *History of English Law* (2nd ed.), v. 260.

the com-
mendation

in the growth of the manor were twofold: commendation and vassalage jurisdiction. In the case of commendation a person bound himself to a lord and became his "man," or died as a return for a promise of protection. Among the primitive Germans the duty of safeguarding the individual had rested with his kindred¹, but in England the tie of kinship weakened, and the family group began early to break up and to lose its authority. The state was not yet in a position to assume its functions, and its place was therefore taken by the lord. Other reasons favoured the practice of commendation². Those who commended themselves to a lord were protected in their life, not only by the ordinary wergild or penalty exacted for homicide, but by a special bid or compensation due to the lord, whose protection or "peace" the offender had violated. Moreover, if a man were in trouble, his lord was expected to come to his assistance and act as compurgator by swearing on his behalf, and in other ways to exert his personal influence. Lastly, a law of Athelstan insisted that every man should have a lord as he had a surety to answer for his appearance in a court of law whenever summoned. The difficulty of securing jurisdiction was the fundamental problem of the Anglo-Saxon police system, and the lordless man, like the "brotherless" man of Homeric times, was treated as an outlaw. In Anglo-Saxon poetry the man who had lost his lord was depicted as a homeless wanderer: "Thus homeless and often miserable, far from my kinsman, I have had to find my heart in fetters ever since the grave closed over my patron—since I wandered away destitute over the sea and wintry gloom seeking in my grief the dwelling of some prince, if far or near I could meet with one who would have regard to me in his hall or console me in my friendlessness and treat me kindly. He who experiences it knows what a cruel companion misery is to one who has no kind guardians. He is confronted not with gold rings but with homeless wanderings, not with the good things of the earth but with his own-called lament. He calls to mind the ways of the court and the treasures he

¹ Tacitus, *Germania*, 2, 22.

² Heyland, *Domestic Aest and Aspect*, 90.

used to receive, and how in his youth he was continually feasted by his patron. All his happiness has passed away."¹ In theory commendation would only have involved the abbot without impugning his land, and could have a personal and not a territorial significance. We read in *Domesday* how a freeman at *Pruned*, a manor in *Essex*, commended himself to a lord while his land remained free, for he "could go with his land whither he would."² Again at *Hammingfield* the hundred testified that two men, whose land the abbot of *Ely* claimed, "held their land freely and were only commended to the abbot."³ Still what was really essential in those troubled days was security of tenure, and men required protection not so much for themselves as for the title to their belongings. They needed a powerful lord to support them, if a violent neighbour wasted their land from them or in other ways encroached upon their rights. But when a freeholder began to look to his lord for the protection of his tenure, just as another turned to title-deeds (*bookland*) or the witness of the shire (*folkland*), the basis was thereby laid for the growth of a manorial lordship. In process of time his title would be regarded by courts of law as proceeding from the lord and dependent upon his will, and once this feudal doctrine was established it was only a single step to the imposition of manorial services.

The development of seigniorial jurisdiction represents another most important element in the formation of the manor. The king enjoyed valuable rights over his subjects, and was accustomed to alienate his privileges to the Church and to lay magnates. When the latter acquired by royal grant (*bookland*) a 'superiority' over a village—the claims to many of its dues and services—a feudal lordship was straightway created. The population of the village passed from the control of the public authority to that of private lords, and a manorialising process was set in motion. Of the political rights conceded by the Crown, that of holding a court constituted a direct incentive to the establishment of political authority, and its importance can scarcely be

¹ *The Wanderer and Chaucer, Songs of the English Poets*, 120.

² *Domesday Book*, p. 179.

³ *Ibid.* 10, 19.

exaggerated. Everything points to the conclusion that on the eve of the battle of Hastings, the seigniorial court was a new institution¹. It is possible that it originated in the desire of the Church to obtain immunity for its estates from "all earthly business" and so from secular justice, though the idea of patrimonial justice would seem to have been familiar from the first². But in any case justice was recognised as a valuable source of profit—*justitia est sapientie monumentum*—for fines were heavy, and whole classes of men were therefore brought under the judicial authority of a lord, to whom they rendered suit of court. Here, again, the way was paved for the development of manorial tendencies. When a man attended a private court instead of a national court, he gradually lost his legal status and lapsed into a rightless condition, for feudal custom law refused him redress to recognize his claims to freedom. The distinction between those admitted to the lord's court, and those excluded from it, became subsequently the decisive test that differentiated the free from the unfree. Often the medieval serf occupied as a dependent tenant land held by his predecessor as freehold, until they had been deprived of the national warranty. Thus either by a royal grant placing a district under a feudal lordship, or by the submission of individuals, village after village acquired a lord and could no longer boast itself a free village community. Suit of court revealed itself a powerful instrument for the degradation of great masses of the freeman, and readily opened the door to manorial exploitation.

(1) *State of a military court*

The rise of a military aristocracy constituted the third factor in the growth of the manorial system. It appears that in the conditions described by Tacitus, a war band that formed a bodyguard for the chieftains: *is pars domus, in bello gensculum*³. In England the *scoti*, the aristocracy of birth, were replaced by a nobility of service, *gentry* and *knights*⁴, and the disturbed course of early English history

¹ Macfie, *Normandy Book and Beyond*, 291 seq.

² Vinogradoff, *Customs of the Manors*, 112.

³ Tacitus, *Germania*, c. 23. This was found in German folk-tales from the nineteenth of the later period, as it was found only for a temporary expedition. *Die Aale Gassen*, vi, 2-23. ⁴ Stubbs, *Constitutional History*, i, 109.

served greatly to enhance their importance. The Anglo-Saxon *tything*, the *fred* consisting of peasant outposts, proved unequal to the demands made upon it by the perpetual raids of the Northmen. A professional *locum tenens* to fight, and with the resources for providing equipment, became indispensable. It was endowed with land, usually it would seem to the extent of five hides for each *thegn*, and rapidly developed into a privileged class. English society came to be transformed by the pervasion of feudal conceptions. A threefold social division began to emerge as the soldier who fought, the clergy who prayed, and the peasants who toiled. The *eorls*, the peasant class, were degraded and sunk to the bottom of the new social hierarchy. They were no longer called upon to fight, were on rare occasions, and accordingly their right to a free status began to be denied. The *thegn* now appeared as the full *freeman*, and to this dignity he added the prestige and economic independence of a large landowner. Two results followed from the altered order of things. The people were expected to bring contributions and offer their services to their defenders, and it may be conjectured that by their assistance the large estates of the *thegn* was cultivated. Moreover, the distinction of his position stamped the *thegn* as the natural delegate of the central government, and various governmental functions were assigned to him, such as the maintenance of public order.¹ His estate conjointly with the surrounding neighborhood served as a unit of law and police, and the combination of political superiority and economic rights ultimately produced the manorial system. Thus the differentiation between the soldier and the tiller of the soil became the mainspring of feudal development and manorial growth.

The phenomena of economic life can seldom be traced to the agency of a single factor. The manorial system is no exception, for the elements of which it is composed are too varied to admit of only one explanation. No theory of the manor is tenable which lays stress upon one aspect

¹ Cf. Haskins, *Custom of the Manors*, 102-103. Goshop, *Origin of the English Manor*, 303.

to the entire exclusion of the rest. Occasionally the private estates of the pre-Saxon period survived to form the basis of the medieval manor.¹ In other cases a variety of factors combined to evolve the manorial system. We can no longer hold with Mehlman that the manor originated as a unit of financial assessment; but, on the other hand, it was not severably from the first, whatever it became later, an economic organisation with peasant holdings clustered round a capitalist nucleus. As we have seen, it was also the centre of local sovereignty and the basis of feudal sway. The lord, in fact, appears in a dual capacity as the owner of an estate with economic rights over his tenants, and as a ruler invested by royal grant with political authority over his subjects. Accordingly neither an economic nor a feudal interpretation affords a complete view of manorial development, and the two streams of social evolution must be treated side by side.

The evidence of Domesday Book lends authority to this conclusion, for it indicates that in its earlier stages manorial life presented the very signs of irregularity that a fortitious and diverse growth naturally tends to produce. The structure of Domesday manors was not everywhere uniform in character, but exhibited a numerous variety of types.

Types of
domestic
manorial
economy.

¹ Mehlman criticises all the authorities who theory advanced by Kemble has drawn attention to the existence of a domestic peasant element in the Saxon village. Kemble held the view that when the Saxon era entered into the composition of the place-names of English villages it denoted settlement by a clan, that is a free community united by real or fictitious ties of kinship. But it is believed that these place-names are really prehistoric personal names. In other words, we are confronted from the first with the presence of a lord in the village community, who was important enough to give his own name to the district. The problem arises: what position are we to assign to this *apud-manor* lord? Was he a manorial lord, the first English owner of the village? Or was he merely a local chieftain who developed into a territorial magnate, and round whose estate his followers settled in a free village to which they gave the name of *hæves* lord? The latter alternative seems more probable, but in any case we have hereafter to recognise the probability that from the very outset the Saxon village included an element of hierarchy to which it would be hard to deny an ascendancy of some kind. Although the existence of this personal element would not be incompatible with the general freedom of the villages, it would surely be less favourable to the free and untrammelled growth. (Stoddard in *English West Saxon*, iv, 376; J. H. Round, *Commons of England* (1899), iv; Mehlman, *Types of Manorial Structure*, 22; G. F. Brown, *The Saxon Age in Early England* (1902), 48 seq.

Of course the most general and widely diffused type comes within the compass of economic analysis, and displaces all the appearance of a fully developed manor. It was a large estate occupied by a community of dependent tenants, who were grouped round a domestic centre and obliged to perform labour services on the home farm.¹ The manorial houses were the innovation in this direction, and the material conditions lay at hand in the allocation of Crown lands, or in the integration of small freeholds whose original owners had been reduced to economic dependency.² In other manors the intimate relation between the husbandry of the demesne and that of the rustic holdings was absent or completely subordinate, and here the judicial aspect predominated. The manor-house appeared as the centre of jurisdiction and political authority, and out of an estate organized for purposes of tillage, and the service of those attached to it was primarily out of court. This type of manor was simply a portion of the hundred³, which had passed from the public authority into the hands of private individuals. The right to hold a court for all included within the lord's sake was its primary feature, and the court itself served as a focus to which the more remote districts readily gravitated. We have already seen how grants of sake and sokc contributed to the spread of manorialism, and how the compulsion to attendance at a private court was a powerful lever in the degradation of the peasantry. The third type of manor was the administrative or tributary organization⁴, and consisted of scattered settlements, each in itself a unit of husbandry, but controlled from a single centre where their tribute was paid.⁵ We remark again the absence of any economic concentration of labour and capital within a well-defined and homogeneous sphere, and the substitution of administrative concentration in its stead. The manorial hall served to unite the various districts attached to it, and formed a convenient spot for the collection of dues. The manor here was simply a network of tributary

¹ *Ibid.*, p. 30.

² *Wingfield, English Society*, 323.

³ For a full example of local units, see *Gloucester Rolls*, i, 272, where *Explefeld (Plure)* was related in 1291 to four tithes paid to *Abbot*.

⁴ *Ibid.*, p. 12.

⁵ *Ibid.*, *ibid.*

rights extended over a number of districts, upon which the obligation had been imposed to furnish contributions for the warrior and his household. Lastly we meet with other manors, *maneria*¹, which were neither agrarian units, nor administrative centres, nor jurisdictional franchises, but merely small farms supporting a single household and cultivated in person by the freemen to whom they belonged. From these various types of eleventh-century manors we may draw two conclusions. In the first place they indicate that the Open Field System with its compulsion to joint husbandry can exist apart from the manorial system, and cannot therefore be taken as a proof of the serf-like origin of the medieval village. Not only in economic matters, where labour arrangements were directed from a demandal centre, but also in villages which were free to control their own economic destiny without the intervention of a superior power, we find the system of scattered strips and organized cultivation at work, and all the processes of agrarian life in operation. Hence the common fields and the virgates system, with its indivisible bundle of strips, cannot be regarded as fruits of manorial growth, or as maintained only by the force of seigniorial pressure. In the second place they accentuate the fact that the manor was a varied and heterogeneous growth, which cannot be explained by any single hypothesis of social development.

*Impact
of the
Norman
Conquest*

The work of consolidation and the creation of a uniform manorial life proceeded from the Normans, and the history of the manor would therefore be incomplete without some attempt to estimate the extent of their influence upon English society. The consequences that attended William's invasion of England were the most far-reaching, because the Norman Conquest was not merely a dramatic but short-lived episode in English history. It was a decisive turning-point in national development, and its permanence was largely due to the fact that it was accompanied by a redistribution of the conquered soil, though Saxon lethargy and lack of organizing capacity were factors which held in the same direction. The Anglo-Saxon lords

¹ *Vergastat*, cf. vol. 112.

of the soil were supplanted by an often underrated and only retained an inconsiderable portion of their land. The Normans were thus afforded an opportunity to put into practice continental ideas with which they had long been familiar, and at the same time satisfy their own passion for order and system. With the coming of the Normans an age, first of construction and organization, and then of definition, succeeded an age of social chaos and cross-relationships, while the door was opened to foreign influences on an unprecedented scale. Accordingly the change effected by the Conquest in the manorial system meant considerable alteration.

There was an important movement in the direction of ^{consolidation} ~~consolidation~~ uniformity and consolidation. Before 1066 there were many free villages which, taken as a whole, had no lord, although individual villagers might acknowledge the authority of different magnates. But though some villages refused to be ^{incorporated} ~~incorporated~~ into a manorial shape, the practice of the Normans was to turn the vill into a manor by imposing upon it a single lord, who carved out a domain and erected a hall where his Saxon predecessors had gone without. Besides the general disappearance of free villages, there was a universal assimilation of existing manors to a uniform type. The new lord of the administrative or jurisdictional manor consolidated his hold over the population under his control, and by imposing labour services completed the final stage toward manorialism. At the same time the cross-relationships of the Anglo-Saxon period, when a man might be commanded to one lord, under the jurisdiction of a second, the tenant of a third, and responsible for various dues to a fourth, were replaced by a single relationship based on lord-service-benefice¹ (the ^{benefice} ~~benefice~~ arising from land and was associated with tenure, and purely personal bonds) were swept away.

In the day of Edward the Confessor, the right to hold a ^{the} ~~the~~ court for manorial tenants was a privilege extended by ^{royal} ~~royal~~ favour to churches and individual landowners. The manorial hall-moot was still ^{used} ~~used~~, and villageage did not

¹ *Medieval European Society and Beyond*, pp. 14

necessarily involve suit of court. But subsequently every maner had its court. The feudal principle that a lord enjoyed political authority over his tenants took root, and tenure now became a source of jurisdiction. The mere fact¹ of being a tenant bound a man to attendance at his lord's court, quite apart from any royal grant conferring more extensive powers. All over England small courts sprang up, and the struggle that ensued between royal and seigniorial jurisdiction occupies an important page in constitutional development.

*Effects on
the
Serfs*

The substitution of Norman for Saxon lords told heavily upon the free cultivators. For the numerous class of freeholders which existed on the eve of the Conquest, the Norman settlement spelt disaster. In many parts they altogether disappeared; the sokemen of Cambridgeshire, who numbered 900 before King Edward, were twenty years later reduced to 217². The rest had been degraded into villeins, and the signs of their altered condition lay in the exaction of week-work. In districts where villeinage was unknown in 1086 an unfree element crept in³. We read in *Domesday Book* "in this maner there was at that time a freeman who has now been made one of the villeins"⁴; and from these words we can picture the harshness and oppression of the newcomers. The rustled hand of the Norman lord pressed heavily upon the unarmed tillers of the soil and "thrust them down" into servitude. In other cases they continued to retain something of their privileged position, but nevertheless were now in a condition of considerable inferiority. The lawyers of a later generation still retained a tradition that "any one of the subjected race, who holds estates, has obtained it by the favour of the lord or under a contract"⁵. Increased services were imposed upon them, and the principle made *terra nullius* condemned them to a feudal dependency. Whatever view may be taken of the Norman Conquest, it undoubtedly affected

¹ Pollock and Maitland, *History of English Law* : 375.

² Maitland, *op. cit.* 113.

³ *By Abbot* : F. W. Steuch, "Early Manorialism at Worcester", in *English Hist. Review*, 1895, 54.

⁴ *Domesday Book* : 1.

⁵ *Dialogus de Scaccario* (Richard ed., 1892), 21.

adversely the economic position of the great mass of the nation. For the English peasantry, "the red thread of the Norman Conquest" was distinctly "a catastrophe".

It was hardly likely that influences so important to the free peasantry should have left untouched the bulk of the villagers, the class of villans, and there can be scarcely any question that as a rule their position greatly deteriorated. The Domesday villain was to all appearances in a far lower condition than the serf of the thirteenth century, who combined with his onerous tenure a considerable degree of personal servitude. Everything indicates that in status, at any rate, he was a free man. The *Rectification Singularium Personarum* tells us that the gager and the cottager paid haath-penny on Holy Thursday "as every freeman ought to do"¹. The *Leges Henrici Primi*, a post-Conquest compilation of Anglo-Saxon customs and dooms, speaks of the villans as *vili* or *inferior personae*, men and poep, but none the less distinguishes them from the serfs, and clearly regards them as freemen. They are grouped with the sokemen and Alen Amsian as *weyryadmen* whose wergild was two hundred shillings, as distinct from the *thegn* class or *twelfhyadmen* whom to slay involved a penalty of twelve hundred shillings². Domesday Book also bears witness to the distinction: in the city of Chester if a freeman worked upon a festival the bishop claimed eight shillings, but if a slave did so, he was content with half the sum³. Again in the manor of Crowtherne every freeman rendered one bloom of iron to another manor situated in Somersetshire, but at Crowtherne there were none above the condition of villans, who are therefore evidently regarded as free⁴. All this points to the conclusion that the villans of the eleventh century could assert the rights and dignity of freemen, nor were they excluded from the national courts⁵. In one sense the villain was admittedly not free. He did not "hold freely", he could not sell his land. Still the freedom thus denied to him was not personal but economic freedom, in the same way that the modern copyholder is

¹ *Rectification Singularium Personarum*, 40b.

² *Ibid.* c. 56b, 57b, 101.

³ *Domesday Book*, i. 283 a.

⁴ *Ibid.* i. 225 a, b.

⁵ *Ibid.* i. 42 b.

personally free, yet cannot at will dispose of his land. Apart from this, however, there seems no trace whatever¹ of the servile incidents of villenage with which we meet in the thirteenth century, and which proceeded from the inferior condition of the villans. Thus the peasantry of the eleventh century were "far more free-worthy" than those of a subsequent age, and the development of the servile theory of villenage took place after the Norman Conquest. One factor facilitated this development—the absorption into the villan stock of servile elements²—household slaves settled by their lords on the glabe, to whose status the rest were gradually assimilated by the artificial and rigid definitions of an indiscriminating legal system.

Incidents
of villenage.

It would appear, moreover, that the conditions attached to villan tenure were less onerous in the eleventh century than in the thirteenth. The tiller of the soil in Domesday was apparently not annexed to the soil (serpenteus), as subsequently, and no legal restrictions were imposed upon his movements. Moreover, while feudal law insisted upon the lord's ownership, not only of his own demesne, but also of the land occupied by his tenants, Domesday Book distinguishes between the lord's demesne and the holdings of the villans³, though this is not invariably the case⁴. The villans in fact had rights which the law would defend, and its denial of jurisdiction apparently came later⁵. Lastly, though we may naturally suppose that the villans from the first owed some labour services, the entries in Domesday are too few to enable us to postulate the heavy obligations of the succeeding centuries. We meet with the liability to indefinite services, the legal test of villenage, in the passage that "the man labour at the king's work as the reeve shall command"⁶. There is also a

¹ *Domesday Domesday Report*, 116.

² Vinogradoff, *English Society*, 379.

³ *Domesday Domesday Book and Report*, 22.

⁴ This was overlooked by *Domesday*, as it has recently been pointed out. Already in 1086 the term, *domesday*, could be applied not only to the category of villans, and not merely to the lands held of the lord—a fact which "runs with course" (*ibid.*) *Studies in Medieval History*, 9.

⁵ Cf. Vinogradoff, *Custom of the Maner*, 128.

⁶ *Domesday Book*, 1, 217.

reference to week-work in Herefordshire about twelve bondsmen worked one day a week¹. Rents in money were certainly very common², and possibly in earlier times the villans discharged their liabilities largely in money rents³, especially since the lord had slaves to carry on the cultivation of the home farm. But when slavery died out, it would become necessary to exact increased services from the tenants. In any case the Normans were anxious to capture their position to the utmost, and the villans could look for little consideration at their hands. On the manors belonging to Ramsey Abbey there are unmistakable signs of steady depression in the condition of the villans. Their week-work was heavier in the thirteenth century than in the twelfth, while the system of boom-services, absent in the earlier period, was later completely developed⁴. Another example is found on the estates of the Church of Ely, while on the manors of Burton Abbey there are instances, as late as Henry I., of a reversion from rents in money to services in kind⁵.

One beneficial change can be placed to the credit of Norman lords, namely, the disappearance of the class of landless slaves. In the manor of Leominster (Herefordshire)⁶ there were 32 serfs at one time in the time of Edward and 25 under his successor; in the hundred of Buntstable⁷ (Essex) there were 143 slaves in 1086 and only 90 in 1286; and by the time the Hundred Rolls were compiled, slavery in England had become a thing of the past.

¹ *Plot County Map Herefordshire*, I, 192.

² *Village and English Society*, 300.

³ *Medieval Documentary Texts and Beyond*, 58.

⁴ N. Strickland, *Economic Conditions on the Manors of Ramsey Abbey 1200-1300*, 25.

⁵ *English Historical Review*, ix, 248 to 251, no. 237.

⁶ *Plot County Map Herefordshire*, I, 192.

⁷ *Medieval Documentary Texts and Beyond*, 190.

CHAPTER II

THE MANOR AND THE OPEN FIELD SYSTEM

Definition
of the
manor

THE manor constituted the rural framework of English society and was the prevailing type of social organisation during the Middle Ages. It may be described in general terms as an estate owned by a lord and occupied by a community of dependent cultivators. Its underlying conception was that of a contract involving mutual obligations on the part of the lord and his tenants, the concession of land by the former, and the rendering of agricultural services by the latter. This principle was expressed in the distinction which manorial custom drew between the different kinds of lands comprised in the typical mediæval estate: the demesne or home farm of the lord, the freehold of the privileged tenants, and the land held in villenage by the dependent tenants. In legal theory the lord always retained the right to resume at will the occupation of the whole estate, except only the land belonging to his free tenants. Feudal common law did not recognise the villan's proprietary right to his tenement, and regarded the lord as legal owner¹. In reality, however, the lord's freedom of action was restricted by practical considerations. The absence of a wage-earning class² rendered him dependent upon the labour of tenants for the cultivation of the soil, and he was therefore constrained to leave a large portion of the estate in their hands in return for work and rents. Thus the distinction between the demesne and the villenages or tithery holdings, while it had no place in law, was of primary importance in the

¹ *Feudal*, p. 23.

² On the class of wage-labourers, see *infra*, pp. 42-43.

economic arrangements of the manor. It involved, moreover, a corresponding distinction between the different classes of manorial inhabitants: the lord with his retinue of servants and officials, the free tenants enjoying a unique and privileged position, and the unfree class of villeins and cottagers. The main aspects of manorial life can best be illustrated by a survey of the characteristics that distinguished these various strata of the manorial population.

The most considerable place in the manor was assigned to the lord. He was the owner of the whole estate, but retained only a portion of it as his own occupation. This was termed the demesne and constituted the home farm. It consisted as a rule¹ not of a compact property, but of strips interspersed among those of the dependent holdings, and the work of cultivating it was imposed upon the manorial tenants as their primary obligation. The produce of the demesne was consumed by the lord and his household. To some extent it furnished a surplus for the market, but it is one of the fundamental differences between mediaeval and modern agriculture that the tillage of the Middle Ages was not usually conducted with a view to profit. On the one hand there was little local demand for corn where every one easily supplied his own requirements, and on the other the prevalence of a natural economy and the difficulties of intercourse were obstacles in the way of an extensive foreign trade. The absence of an organized corn trade accounts for the small size of the home farm which usually indeed formed the smallest part of the manor², though occasionally it covered more than half the estate³. The demesne of St. Paul's Church in London was only three-eighths of its property, and the rest was occupied by subsidiary cultivations⁴; and the demesne of Fornham manor in Norfolk was one-ninth of the total acreage⁵. The domestic houses, which enjoyed a corporate exemption opposed to private land-

Tab. 4-2-1
1280-1300

¹ E. H. Hall: *The Agricultural Community of the Middle Ages* (1893), 30. But sometimes only a small part of the demesne was cultivated as strips: R. G. Dawson: *Recent Developments of a Norfolk Manor* (1904), 26.

² Haver, *op. cit.*, 30.

³ *West. County Hist. Suffolk*, I, 493.

⁴ M. H. Hale: *The Demesne of St. Paul's* (1891), p. 100.

⁵ Dawson: *Norfolk Manor*, 22.

owners and whose estates were organized as a model manor, were content as a rule to hold only three or four hundred acres in demesne.¹ The demesne of the manor was something more, however, than a mass farm providing food for the lord's table and clothing for his household. It contained a manor-house², where the lord usually resided and directed the administration of the estate, controlling and regulating the affairs of the villagers. The lord's hall, or court, constituted an economic centre round which the cultivators of the soil were grouped in varying degrees of legal and economic subjection. Thus existed, indeed, the closest possible connexion between the demesne and the holdings of the tenants, and at every turn the lives of the villagers were controlled by their economic dependency upon the labor arrangements of the lord's demesne. Their relation in fact was one of capital and labour, in which the lord assigned land to workmen on condition of paid services. Thus the manor was rigidly organized on capitalistic lines of estate management, and differed in many important ways from a free village community of independent peasant proprietors.

The
villains.

First in social importance among the different classes of manorial tenants ranked the *villains* (*villani*). They were the most numerous class, and of the 885,000 tenants recorded in *Domesday Book*³ not less than 225,000 held in villenage. At the time of the Survey (1086) they formed 38 per cent. of the total population, reaching a very high percentage in Yorkshire, where it was 63, and a very low percentage in East Anglia, where in Suffolk it was only 14. In the western and southern counties they were more evenly distributed, and the proportion here ranged from one-third to one-half of the inhabitants.⁴ Both in respect of the nature of his holding and the character of his obligations the villain, who "took his name from the vil-

¹ *Harpuchell, Fitzwarren*, 314.

² *Harpuchell, English Society*, 398 ff. *passim*. For the manorial hall, see H. J. Hall, *The Manor and Manorial Records* (1904), i, 3.

³ *These are round figures*—see H. Ellis, *Introduction to Domesday Book* (1887), ii, 311.

⁴ See map in *Salisbury, Village Community*, facing p. 46.

as the burgess from the borough"¹, appears as the typical villager of the Middle Ages, and without his services the work of the manor as an economic organization could not have been carried on for a single day. The holding of the tenant in villenage was termed a *virgate* or *yardland*, it was not a compact farm, but a bundle of strips disposed in the open fields among all the other tenements. The size of the virgate was not everywhere uniform, and the number of acres contained in it occasionally varied from fifteen to as many as eighty². These variations, however, were apparently exceptional and local, and can be accounted for by the varying quality of the soil in the different parts of the country. The normal virgate represents a holding of thirty acres. The holdings were hereditary and generally descended to the eldest son, upon the payment of a heriot, usually the best animal³, in recognition of the lord's rights. The rule of indivisible succession prevailed, except in Kent. It was so the lord's interest to prevent the subdivision of the holding among co-heirs, in order to ensure the due performance of the services which he claimed. Moreover, economic considerations favoured the principle of single succession, since the unity of the tenement preserved the unity of the plough-team, a condition vital for the good management of the tilage. Besides the strips of cultivated land which he owned in severalty, every tenant shared with the lord the use of the meadow and waste as well as rights of pasture, and also possessed a homestead (messuage) surrounded by a turf or farmyard.

The villen was then, if not a substantial farmer, yet something more than a landless labourer with no stake in society. His position was one of great economic importance, and the general diffusion throughout the country of a numerous class of small but relatively well-to-do peasants gave stability to the manorial system, of which they constituted the indispensable basis. The position enjoyed by the villen involved, however, corresponding obligations in

Case-study
Appendix

¹ The Mirror of Justices (Edin. Soc. Publ.), 70.

² See also Customary Farm, 27. Viscountess, 200-201.

³ Pollock and Maitland, English Law, 3, 317. Viscountess, 27, 28, etc.

an age when every right proceeded from the performance of a duty. The services of the villans were of varied character, as the manorial rolls testify, but their main duties can be grouped under three heads. (1) The primary obligation of the tenant in villages was the liability to plough service, i.e. agricultural work in the fields. He was required to cultivate the lord's demesne on two or three days in the week, though not necessarily for the whole of the day. This week-work, as it is termed, comprised almost every kind of agricultural operations, of which ploughing was the chief. The full villan, holder of thirty acres, contributed a pair of oxen; his poorer neighbour, the half-villan who could boast of only a semi-virgate of fifteen acres, came with his single ox. Thus working side by side with the plough-teams of the demesne were the teams of the dependant tenants¹. The villans also performed carriage duties, acting as carriers and providing the requisite horses and carts. There were "short carriages" to adjoining manors, markets or mills, and "long carriages" farther afield². On the manor of Abington in Sussex the tenants were required to carry "wherever and whenever" they were bidden; but if they could not return by nightfall the expenses of the journey was borne by the lord³. Elsewhere villans had to carry for a distance of sixteen "leagues" (leues) from their homes at their own cost (*pro suo*)⁴. Carriage duty was a function of no small importance and equally of no small difficulty in the absence of organised means of communication. The produce of the farm, when it was not consumed on the estate, was carried to the market or to some other manor belonging to the lord. Frequently no doubt the lord and his retinue travelled from manor to manor eating up its produce, but when the estate was owned by a monastery the produce had to be conveyed to it by the tenants. The villan with neither ox nor horse had himself to shoulder the load (*per se ipsum*), and bear it to its destination. Besides the ploughing and carriage duties there was a multitude

¹ On the variety in the strength of the teams, see *Ibid.* *Demersey of St. Paul's*, p. 27.

² *Ibid.*, *Manor of Wincry*, 35.

³ *Customs of North Willey*, 19.

⁴ *Ibid.* *Abbing*, 56 a. On the leues, see *ibid.*, p. 114 (b. 1).

of arable services, haying, mowing and cutting, cradling and shearing of sheep, milking and drying of milk, and all the other daily incidents of agricultural life. (2) In addition to the customary week-work, extra services were exacted at those periods of the year when it was necessary to utilize every available source of labour. These special services were known as *boon-works* or *prestarias*, and were given at harvest-time. On these occasions the lord provided "love-meals" in order to encourage the labourers to greater exertions, and in return the villans did "love-boons," extra boon-works, without any gratities (*sine ale domini*).¹ (3) Finally, the tenant in villenage was responsible for numerous contributions to the lord in money and in kind—poultry at Christmas, eggs at Easter, grain at Martinmas, honey and ale, welfure payments for grinding corn at his mill, other payments for putting cattle in his woods.² The villan was not required to perform all his duties in person provided he sent one of his own labourers, for the villan was often prosperous enough to employ workmen under him. At harvest-time, however, he was required to be present himself and to bring his family and servants.

Tenure in villenage was essentially an unfree tenure, and it is necessary to understand therefore the nature of the servitude involved in it. One fundamental characteristic of servile tenure was the absence of any legal security protecting the holder in his occupation of the tenement. "The tenement of a person", Bracton lays down, "could not be called free which he holds at the will of lords precariously, which may be reclaimed seasonably or unseasonably, as from year to year or from day to day."³ The tenant in villenage could not defend his tenure at law. He was a tenant at will, holding at the pleasure of the lord and liable to summary ejection at the lord's discretion. Customary feudal law refused to recognize the villan's proprietary right to the land he occupied, and provided no remedy for his protection. The freeholder could claim the

*Chanceler's
letters of
culling
tenure
(1) land
interest.*

¹ Nelson, *Manorial History*, 22, 23 (p. 1).

² *Medieval Customary Tenure*, 22, 23, 24. Customs at Abington given (1) boons at Christmas and 250 eggs at Easter. *Customs of Battle Abbey*, 30.

³ Bracton, *De Legibus Anglorum*, 2, 272-3.

warranty of the king's courts in defence of his title to his land; this was a concession granted by the first of the Angevin kings. But the state was unwilling to interfere between the lord and his unfree tenants. Indeed at every turn the villan was reminded of the lord's claims upon his land. He was not allowed to fell timber, and whenever cut down oak or ash on his land, unless it were perhaps to repair his house or plough or cart, was punished for his offence in the lord's court¹; he might not convert his garden into arable², and he was subjected to other restrictions of a similar kind. At the same time he was held responsible for maintaining his land in good condition, and at Abbots Ripton, for example, the tenants were expelled for not repairing their holdings. This was during the Wars of the Roses, when "the Northern men lay there so long before the field was brought that they impoverished the country", and left the inhabitants too poor to carry out their obligations³. But from an economic standpoint the legal aspect of villan tenure as a precarious tenure was hardly perhaps of determining importance. If the villan was denied the protection of the national courts, he received that of the manorial courts. If he suffered from the encroachments of his neighbour, he could seek a remedy in his lord's court, and the custom of the manor to which he appealed was no arbitrary or fanciful procedure, but was characterized by all the formality and strictness distinctive of law proper. No doubt if the lord in person depossessed the tenant no redress was available, for the lord was himself the president of the court and judged the validity of his own actions; and cases of the removal of tenants are not unknown⁴. But in this respect the villan fared no worse than his own lord, if the latter were deprived of his estates

¹ *The Court Book (Field. Soc. Pub.)*, 101. Of the manor rolls of Evesham (Hants): "And Robert Thyle, when the last court, has not given us this, to wit a timber tree worth 6d. without licence of any of the king's officers; but the said Robert said the same tree for the repair of his tenement, therefore let him have a full foregone with the king's officer before the next court." *Howe, Manor and Manorial Records*, 177.

² *Vinciguerra, Palladia*, 140.

³ *Justit Cases in the Court of Raynolds (Field. Soc. Pub.)*, 30.

⁴ *Vinciguerra, Palladia*, 105. *Plat. County New Constitutions*, 1, 300.

by the king. In actual fact, however, the tenant as a rule had little reason to apprehend the loss of his farm. The lord was at least quite as anxious to retain his tenants as the reason for the deterioration of the demesne, as the tenant could be to retain their homesteads. The villeins were the basis of feudal society, and by their work and rents the higher rungs of the social structure were maintained. The value of a manorial estate depended in fact upon the number of tenants which it contained, and the extent of their services and contributions, rather than upon the fertility of the soil.

A second feature of servile tenure upon which medieval lawyers laid the greatest stress was the nature of the services attached to the tenure. The services exacted from the tenant in villenage were uncertain, and not fixed and defined beforehand. In the famous words of Bracton¹, he "ought not to know in the evening what he will have to do on the morrow" (*non sere debet scire quid facere debet in crastino*). These words can be illustrated from the rolls of an Essex manor², where one year the services of the villeins were all expended on threshing and work at the grange, while another year two-thirds went on hedging, ditching and bridle-making. The legal test of the character of the holding was thus the certainty or uncertainty of the duties by which it was held. If the tenant were liable to every kind of work which the lord might see fit to appoint, then his tenure was unfree; otherwise the tenure was free. Here, again, if we attend to the facts of economic reality the definitions of common law appear unsatisfactory. No doubt from the legal standpoint everything connected with villen tenure was determined at the will of the lord. But manorial practice had hardened into custom, and custom had generally an authority scarcely less binding than law. Custom was the life of the manor, and very little was left to arbitrary caprice. The extents or personal surveys afford evidence by their minute details of the certainty of the services for which the tenant was responsible. He knew the days when he must plough, reap and thresh, and the

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days when he must carry and perform all the other duties of his office. A departure from the customary arrangements did not pass unchallenged. At Winton, a tenant belonging to Ramsey Abbey, a bulliff endeavored to defer the ploughing, but the villans claimed that no Plowman only could ploughing justly be exacted from them¹. It would be erroneous, therefore, to regard the tenant in villinage as a slave whose services were at the complete command of the lord. On the contrary, his services were regulated and fixed, and certain days in the week reserved at his free disposal for his private purposes². Still the legal definition was not without bearing, for where work is done day by day and week by week some uncertainty must exist; the villan could not always know with certainty all the details of his work on the morrow.

§ 11. *Work-work*

The third characteristic of base tenure furnished from an economic standpoint the real contrast between free and unfree tenures. The latter was held on condition of labour, and the former by the payment of rent³. It is true that agricultural labour did not make a tenure service, for freehold tenants had to assist in the cultivation of the demesne, especially at harvest-time. But the essential feature of a villan holding was the obligation to a considerable amount of labour—in other words, to the performance of work-work. Tenants in villinage were accordingly tenants who held their plots on condition of labour service on the lord's farm. This is the economic test of the nature of the holding which finds no place in the legal exposition of villinage, but which is constantly applied in memorial documents. Thus the survey of Gloucester Abbey inquires whether "any land which ought to perform work has been turned into free land"⁴, that is, land paying rent. Of course even free

¹ Nelson, *History Manors*, 109.

² Vinogradoff, *Villinage*, *op. cit.*, 122, 123-207; Pollard and Maitland, *History of English Law*, i, 361.

³ Vinogradoff, "Agricultural Services", in *Economic Journal*, v, 309-107. Apparently on none of the cases given in Hutton's *Deeds* or in the *Five Abbots* is the question of villinage tried on the issue whether labour services are services or annuities. Pollard and Maitland, however, support Hutton's view. *History of English Law*, i, 370.

⁴ Vinogradoff, *Villinage*, 126 (p. 2).

tenants in addition to their rent owed boon-wrights, and on the other hand unless tenants paid dues in money and kind but none the less the character of the holding depended upon the character of the obligations with which it was burdened. This test on the whole corresponds with the legal test of uncertainty, for as already noticed the exactness of regular week-work afforded scope for the intervention of the lord, while the payment of rent precluded in the same the possibility of such uncertainty.

The question as to the personal status of tenants in villenage, though primarily of constitutional interest, is yet of considerable economic importance. In some cases the tenant was a freeman with an independent status and rights plausible at common law. But as a rule he was a villein, a villain by birth and of unfree status. The term villenage thus covers two distinct conceptions, it was not only a tenure, it was also a status, and a holding in villenage did not make a man a villain¹. The villain by status was personally unfree and the dependent of a lord. The tenant in villenage could in status be free or unfree, but his tenure was precarious, and his services perforce and uncertain. From the personal unfreedom of the villain proceeded the servile incidents which were the distinguishing marks of villenage. The villain was annexed to the soil, and the fugitive could be restrained and punished unless he paid a fine to live away from the manor². He could be tallaged "high and low" at the will of the lord³, and without the lord's licence he could sell neither ox nor horse⁴ in order not to diminish the stock on the estate, nor have millstones in his house "to the great damage of the lord as regards the rent to his mill"⁵. His son could not be set to letters (as *liberos pascendos*)⁶, or educated at school, or apprenticed to

¹ *Year Books*, 10 H. 7. fol. 1. p. 40. *Feud. Axiom.* 113 f.

² *Debit. Pleas in Vinculis Curie* (Held. 100. fol. 1. c. 10. These fees might be very heavy. *English Law* 1890 at 798.

³ *Placet Roll*, 1340-1346. p. 428. *Plac. Axiom.* 113 f. 101 f. 2. *placet taliter de vice et contra per villanum nisi* . . . *sed etiam de vice et contra* . . . *tailles et amercement* . . . *et al.* 10. 11.

⁴ *Ibid.* 10. 11. 12. *et al.* But in the thirteenth century the villan could apparently sell horse or oxen. *Year Books*, 15 H. 7. fol. 181. p. 300.

⁵ *Debit. Pleas in Vinculis Curie* . . . 47.

⁶ *Placet Roll*, 1340-1346. p. 428. . . .

a free handicraft¹, except the lord gave his consent. He could not even enter the Church, for "according to the institutes of the Church militant and of secular princes, such persons are not allowed to do so without the consent of their lords"². His daughter, and sometimes also his son³, could not marry without the consent of a free kinsman or kinswomen (sometimes cousin or aunt), or "service of blood-vengeance", and regarded as the most degrading characteristic and assured test of servile status⁴. These restraints on the personal liberty of the villan were the direct consequence of his personal subjection to the lord.

Villanage
and slavery
connected

The condition of the villan in public and private law, and the extent to which the element of servitude entered into his status, can best be illustrated by comparing his position with that of the ancient slave. The central notion in our conception of a slave is that of a person absolutely rightsless, the chattel of his owner, devoid of all legal status or possessions of his own. The legal theory of the Middle Ages assimilated the condition of the serf to that of the slave, and the lawyers identified villanage with Roman slavery. Bracton, copying the language of Azo, the great doctor of Bologna⁵, pronounced all men to belong to one of two categories, *liberi* or *servi* (*not liberi aut servi*)⁶, and this line of demarcation or "*Roman dilemma*" condemned the villan to slavery. Against his lord the villan could assert, few or no rights, although the law afforded protection to life and limb. "The power of lords over villans", Bracton observes, "is restricted by civil right, so that his

¹ A. Clark, "Serfdom and the Slave Master", in *English Medieval History*, 102, etc.—"power is in which dependence and freedom"—"power itself: none of which was freedom." J. H. Round, *Medieval History* (1895), II, 215—also for ascribing a man to a fixed estate (serf).

² *Statute inrolled* in a letter granted by Edward I. to a bondman to enter the Church. [*Forest Rolls*, 1290-1297, p. 113.

³ Examples of custom for the marrying of sons and (2) *Forest Rolls*, 1212-1224, p. 107; (3) *Red Book* II, 442 v. 443 f. (2); *Customs of Middle Abbey*, 47 (2) certain cases.

⁴ Compare *John Ples in Mansour Court*, 1-12, where one was permitted for refusal to serve on a jury, alleging he was a *seruus*—"whereas in truth his refusal made him for heavy to marry." The phrase "service of blood-vengeance" is from the *Mirror of Justice*, 11.

⁵ *Bracton and Azo* (1881, *Eng. Publ.*) 22.

⁶ *Bracton*, I, 44.

and lord are under the protection of the king"¹. As to proprietary rights the evidence of the *Dialogus de Scaccario*² is clear: "The lords are owners of the chattels and bodies of their vassals³; they may transfer them where they please and sell or otherwise alienate them"; and this evidence is borne out by the writings of Glauville and Bracton. "All his belongings", says Glauville⁴, "are in his lord's power". "Whatever is rightfully acquired by the vassal", Bracton agrees⁵, "is acquired for his lord". The villains are thus represented as outside the scope of common law, and the lords enjoyed a legal theory almost unlimited rights. The actual facts of villanage, however, conflict with the legal conception, and the wide divergence reveals important points of difference between the mediæval serf and the ancient slave. (1) Even in his relation to the lord the serf's position has been well described as one of unprotectedness rather than rightlessness⁶. He was allowed to retain his own property and dispose of it by will, except his holding in villanage, and his witrage was even secured to him by law⁷. The fact that as a rule the lord's exactions were customary, and not arbitrary, implied a recognition that the villain had a right to his belongings. A striking proof that the villain was not without recognised rights comes to us from the court rolls of the manor of Brightwellham at the end of the thirteenth century. "To the court came the whole commonsalty of the villains of Brightwellham, and of its mass and spontaneous will appended to the lord all the right and claim that the said villains have heretofore

¹ Bracton, I. 4, § 421-2.

² *Dialogus*, I. 22, II. 200.

³ Glauville, *Tractatus de Legibus* (ed. 1781), v. 2, § 76. For an example showing the felonious conduct of the villain if the lord chose to punish his power, see *West. County Hist. Dorsetshire*, v. 122.

⁴ Bracton, I. 4.

⁵ Pollock and Maitland, *History of English Law*, v. 437.

⁶ The passage in Bracton (I. 4) containing legal protection of the witrage (a remnant of Ancient *Dormine* or a plot - Vassartell, "The Test of Bracton", in *Law Quarterly Review* I. 107). The term witrage is usually supposed to apply only to implements of husbandry, but Professor Todd has argued in favour of a more extended meaning, which would include not only the plough team but seed-corn, growing crops, and anything in fact needed for tillage. This broader interpretation would imply that the law protected the villain from economic ruin: (1) That "*Bracton in Magna Carta*", in *English Hist. Review*, xxviii, 700.

claimed by reason of custom in the lord's wood called Harnode . . . and in return for this surrender the lord of his special grace has granted to them the common that he had in the field called Eastfield . . . to the extent that the lord shall have no beasts pasturing in the said common" ¹. The villeins are here represented in the light of a *corpus vivum* or organized community which, while nominally subject, was able to hold property and enter into a contract with the lord on equal footing. At another time (1211) a lord's charter gave over to the Church fourteen and a half acres "of the land of bondmen with their free consent" (*tyrannorum villanorum*) ². (4) But the fundamental difference between villeinage and slavery consists in the fact that the villein was free against every one but his lord. Canonical law recognized no distinction between the serf and the free man. "Serfs have a personal right of action in court against all persons for injuries done to themselves" ³. The serf could bring a criminal action against the lord, and in his turn could be prosecuted by any other serf or freeman. In civil law he could sue in all cases other than those affecting his villein tenants, and if deprived of his wages he could sue even his lord ⁴. Thus at most the position of the villein was 'merely relative', and its unusual character marks it as a 'partial captivity'. Again the position of the villein in the state does not accord with the notion that he was a mere slave. He could claim an immunity from the obligations incumbent upon men of free status, but shared in the burdens of local government. As member of a *tyry* he presented *allodiers*, he possessed arms, he paid taxes. All this is evidence of a status very different from that of the slave, and it was a single step from thence to his asserting as the natural corollary of his claims a demand for the charter of the rights of freemen. (5) Another essential difference between the serf and the Roman slave was that in point of fact, though not apparently of

¹ Robert Ples in *Manorial Court*, I, 272.

² *Gloucester Rolls* at 124.

³ *Bracton*, I, 13, 2.

⁴ *Yanagisako's Villanage*, 72. On the question whether the lord could be sued by his own vassal, see G. B. Adams, *The Origin of the English Constitution* (1902), 109-11.

law, the servitude of the villan was predial. The soil cultivated the domus *fratris* and the services due from him were agricultural; rural labour was indeed the prevailing and dominant characteristic of villanage. Moreover he occupied a separate home and farm, the produce of which he retained for the maintenance of his family. Lastly he was *ascriptus glebas*, bound to the soil, from which as a rule he was never detached. This close, almost inseparable, connexion with the land constituted the vital and essential principle of all that we mean by villanage. The mediæval vill was a cultivator of the soil in a state of dependence upon the lord of the soil. The view formerly held that there were two classes of villans, the villani *regimentales* who could not be removed from the manor, and the villani *in pecunia* who could be transferred at will, is erroneous¹. In all these respects, then, there is a wide divergence from the condition of the slave, a chattel, owning neither land nor property of any kind, and in complete subjection to his master, by whom he is maintained and housed, and who can be put indifferently to rural, industrial or house work and be sold or otherwise disposed of at his owner's pleasure.

The cottage tenants, who comprised about 30 per cent. of the population and were more or less evenly dispersed throughout the country, occupied a lower place in the manorial hierarchy. In the Domesday Survey they are designated in some localities as cottars, and in others as bordars, and apparently these names were interchangeable, though this is by no means certain. The term *bordar*, a word of Norman-French origin, seems peculiar to Domesday terminology, and failed to survive in common usage. The cottagers were recruited from the younger sons of villans, whom the principle of single succession, imposed in the interests of the lord and to ensure the efficiency of the ploughing, precluded from a share in the inheritance. Another element² was that of slaves, whom the lord of the manor had settled on the soil with the improved status of manorial tenants. The cottars, like the villans, were tenants

¹ *Vegetable Villanage*, 41-42.

² *Vegetable English Society*, 120-121.

in villageage, and the formal divisions of the lawyers embraced both groups in a single class, creating a fictitious unity based upon their common subjection to the lord. Indeed the term *villain* was often extended to the cottager, and the practice reflected the similarity between them. The dividing line was not a legal one. The legal features of villageage—its precarious tenure, its compulsion to perform service, its dependant status—were paralleled in the condition of the cottager. But the legal identity concealed divisions of considerable economic importance. There was a wide difference between the villain who formed the central and representative group among the villagers, and the cottager whose material condition was so inferior. The line of demarcation between the two strata of manorial society was then essentially an economic one. The villain, with his verge of arable land and appurtenant rights to meadow and waste, presented all the appearance of a substantial farmer by the side of the poor and struggling cottager.

(See
Part III.
Book III.
Chapter I.)

In comparing the cottager with the villain two main differences emerge. In the first place, the allotments of the former class were considerably smaller than those of the villain. Their usual holding contained five acres, though variations from this number are common, and as many as ten and as few as two or one might fall to their lot¹. In the second place, proportioned to the diminished size of the tenement, their obligations were correspondingly less. They worked for the lord only one day in the week, usually on a Monday, and the term 'Monday men' (*mondaymen*)² was accordingly often applied to them. The principal service due from the villain, ploughing on the lord's demesne, was not exacted from the cottage tenants, for as a rule they were without oxen of their own, and so were excluded from taking part in the common ploughing.

(See
Part III.
Chapter I.)

The social inferiority of the cottager to the other villagers is apt to conceal the importance of their situation in the national economy. It is one of the features of rural life that the demand for agricultural labour is never uniform throughout the year, but varies with the seasons. The

¹ *Ballads, Village Community*, 26.

² *Spelman, Glossary*, 117.

harvest and other exceptional periods involve the necessity for auxiliary labour, which at the present day is met by the services of a more or less floating population. But this is a modern expedient practicable in a society largely divorced from the soil, but impossible in an age when the universal prevalence of territorial ideas associated every individual with a definite portion of land. It was therefore necessary for the manor to include as part of its economic organisation a numerous class of labourers settled on the soil, upon whom it could depend for additional labour. The cottage tenants thus formed a class of small craftsmen with a few acres and a cottage, who provided occasional assistance to the lord and the more prosperous villagers.¹ In another direction² the cottiers possess much interest because their position foreshadowed the development of the modern system of farm management. The scanty acres of the cottager were clearly insufficient for his maintenance, while the services due to the lord and the claims of his own tenement could have made only a small demand upon his time. Ample leisure remained for doing out his services by working for him upon the lord's demesne or upon the holdings of the wealthier villagers. Thus early in economic evolution we apparently get the appearance of a wage-earning class, which was destined eventually to separate villanage and become the economic basis of modern industrial society.

The slaves, who account for 9 per cent. of the Domesday ^{The slaves.} population, were the most dependent class in the manorial community. They are chiefly numerous in the west of England where they often represented a very considerable element, and it is reasonable to suppose that they included large numbers of the conquered race. Their condition is uncertain and altogether their history is very obscure. To some extent they must have been employed about the lord's household, but they were also assigned an important

¹ *Villagecraft, English Society, 207-212.*

² *National Domesday Book and Report, 42.* *Villagecraft, Growth of the Manor, 227-231.* Even the villan with a half-village would have to supplement his villanage by working for wages, cf. *A. Ballard, in Festschrift, Jahrbuch für Social und Wirtschaftsgeschichte, Band 10, 420.*

share in the manorial husbandry. In the capacity of vassals (homage) they were entrusted with the charge of the plough-team on the lord's demesne.¹ Sometimes, it is true, the homage was freemen², but the proportion of such to the ploughs on the demesne seems to justify the conclusion which has been established between them. Already in 1086, however, they had begun to disappear, and in all likelihood they were absorbed into the class of bordars, whose increase in numbers was one of the most marked effects of the Norman Conquest. The passage from slavery to serfdom would be accomplished by settling them upon the soil, endowing them with a few acres of land, and exacting purely agricultural services.

The free
tenants.

The tenants in villeinage formed an indispensable element in the structure of the manor. In this respect they differed fundamentally from the free tenants, who were not an integral part of the manorial system, but in a sense stood outside the manorial economy. Their position was exceptional. They were attached to the manor mainly by the relatively slight services which they owed to the lord in recognition of his authority over them. They were of course equally concerned with the other villagers in the joint agriculture and in the communal practices as to the rotation of crops, the use of the commons and the setting up of hedges, but they were considerably less implicated in the labour arrangements of the demesne. Many manors did not contain free tenants³, and where they existed their privileged position sharply differentiated them from the villeins and cottagers. Their tenure was protected in the king's court, and they could call the lord himself to account if he encroached upon their proprietary rights. Their personal condition was that of freemen, and they asserted all the rights which a legal status bestows. Apart from these legal differences, there were others of an economic character. Their tenements lacked the uniformity of size that was distinctive of the villans

¹ Domesday Book, *West. Wiltshire*, i. 107-108; *West. County West. Essex*, i. 361-362; *West. County West. Wiltshire*, i. 100.

² This is assumed by *Domesday Book, West. Wiltshire*, i. 107-108. See also *Domesday Book, West. Wiltshire*, i. 102-103.

³ *Salisbury, Domesday Survey*, 127.

holdings. Traces of the original virgate system¹ still appeared among them, but its regularity had long been destroyed. The unity of the villen tenement was preserved by the practice of inheritable subtenance and by the restrictions imposed on alienation. But the privileged tenants were permitted a scope of action incompatible with the maintenance of a uniform system of freeholds. There was a similar irregularity in the services with which the freeholds were burdened. They were seldom alike in any two cases, nor did they necessarily correspond to the size of the holding, but were in each case² separately determined between the lord and the individual tenant. The relation of the free tenant to the lord was in fact more in the nature of a contract; it was not cast in the rigid and unvarying mould which stamped the serdom of the villen, and accordingly lost itself more easily to irregularities. Frequently the services were merely nominal and in any event did not include work-work on the lord's demesne, the distinguishing mark of base tenure. It is true that they were often responsible for boon-work at harvest-time, for the harvest was the critical period when none could be spared. At Fines in Derbyshire, for example, the holders of free land had to provide labour for six harvest days in the year, one man on the first day, two on the second, and their whole household on the subsequent days³. Apart from this, however, their obligations took the shape of a money-rent. Altogether they appear as an exceptional class enjoying unusual advantages⁴.

The class of free tenants, while clearly distinguished from the villen by their status and the nature of their services, comprised subdivisions among which a further distinction has now to be drawn. Domesday Book records the existence of two main groups of free tenants, the *liberi homines* and the *scokemen*. In some counties the distinction between the two classes is clearly marked, and here the free-men and the sokemen appear definitely side by side. In other counties they are grouped under the same name, the term

Free-men
and
sokemen

¹ Vinogradoff, *Villainage*, 324, 325.

² *Ibid.*, 345-346.

³ *Ibid.*, "Domesday sokemen Services", in *English Hist. Review*, xii, 217.

⁴ For differences between free and sokemen, see *Eng. Hist. Review*, 177-8.

Latin *homines* being applied to the eastern middle-class and the term *villein* to the southern country, but even here the difference was not lost sight of, and is clearly indicated by some additional phrase.¹ We can therefore scarcely regard the two groups as identical, or explain the names as simply local variations. Even the less the line of demarcation between them is uncertain, for Domesday terminology is full of difficulties and the connotation of its terms is variously interpreted. Indeed, it may very well have been that "the compilation of terms which had grown up under the English system was almost as obscure to the scribes as it is to ourselves".² It is usual to derive the word *scolman* from 'safe and safe', an 'affirmative pledge' implying the private jurisdiction of a lord. The *scolman* is accordingly one who is subject to the jurisdiction of his lord, to whom he must render suit of court, while the *freeman* was admitted to the national courts. The difficulty, however, in the way of this interpretation is that many *scolmen* were suitors of the national courts, while on the other hand many *freemen* attended the court of a lord. On the whole the difference between the *freeman* and the *scolman* appears to turn on their relation to their lord. The *freeman* as a rule enjoyed full powers of disposal over his property. Domesday Book states that he 'held freely' and 'could go with his land where he would', an expression which implies that he was at liberty to sell or otherwise alienate his property.³ He could apparently at will dissolve the ties which connected him with his lord by 'swooning', and placing his land under the protection of another lord. But the *scolman* was restrained from selling his land, nor could he commend himself to another lord. He was bound to the soil, and if his position proved trifling he could only escape it by abandoning his holding and giving forth a hardy beggar. Thus while the *free* *homines* and the *villein* *homines* were alike personally free in

¹ *Domesday*, Domesday Book, 117-119.

² *Notes on the First County Book*, *Annals*, 1, 120.

³ *Medieval*, *Domesday Book and Beyond*, 109, 106, 125, 126. Compare also *English Society*, 102, 101-103. See also *Notes*, op. cit. 107, 108.

⁴ *J. H. Round*, *Feudal England* (1895), 10, 11. *First County Book*, *Annals*, 1, 120.

status, the farmer enjoyed greater liberty in relation to his tenure. The sokemen possessed no security against the arbitrary exaction of increased services, but the freemen could evade such obligations by transferring his land as will¹. The dividing line was not, however, always uniform, for we hear of freemen who could not sell their land and of sokemen who were able to do so.²

At the time of the Domesday Inquest the free tenants, though scattered over some twenty counties³, formed an appreciable element of the population only in Danish districts. In Lincolnshire, where they exceeded the number of villans and bordars combined⁴, their percentage was as high as 45, in Norfolk it was 32, and in Suffolk 40. It seems most natural, therefore, to regard these as as the main Danish warriors who had settled on the soil without losing their freedom. Altogether, however, they embraced only 12 per cent. of the whole population. But the manuscript rolls subsequent to the compilation of Domesday Book afford evidence of changes in the distribution and numbers of the class of free tenants.

(i) The sokemen who, as we have seen, were freeholders but distinguished from the rest by special customs, appear outside the Domesday and East Anglia. They are recorded in counties where Domesday Book does not mention them, and where their predecessors of the eleventh century were termed villans. It is no doubt possible to infer an improvement in status, and to assume that these sokemen were formerly villans who had emancipated themselves from the more terrible burden of villenage⁵, namely work-work, and so acquired a superior condition. But the appearance of these post-Domesday sokemen outside the Domesday may be explained as the result of a change in terminology⁶. The Domesday Survey apparently included among the sokemen many peasants who, while responsible for some

the 90-10
of the
Domesday
book is

the change
in language
is not

¹ Vinogradoff, *English Society*, 130-131.

² Haskell, *Domesday Book and Beyond*, 105.

³ See map in Robinson, *Village Community*, facing p. 46.

⁴ W. G. Stiles, ed., "The Lincolnshire Sokemen", in *English Historical Society*, 1892.

⁵ W. J. Ashley, *English Economic History* (1909) I, 11.

⁶ For this suggestion, I am indebted to Professor Vinogradoff.

usual services, were in the main free and attended the royal courts. But at a subsequent period, when the distinction between those admitted to the royal courts and those under the lord's jurisdiction became the decisive test of tenure and status, and the primary factor in social grouping, these peasants obtained recognition as privileged tenants, and were henceforth termed sokemen. This is shown by the history of the men of Kent. To all intents and purposes most of them were free sokemen, and by this name were sometimes actually designated¹. They performed no week-work and discharged their obligations by the payment of a money-rent; their tenure was protected and their status was that of freemen. Thus in the thirteenth century "there was no villenage in Kent"²; and yet in Domesday they are described as villans. Their condition in the intervening period does not appear to have undergone any change or social advancement, but there had been a change in terminology. Further, some confusion may also arise from the fact that the term sokemen was sometimes extended to include tenants other than freeholders. The lawyers of the thirteenth century distinguished between three kinds of men, freemen, villans and sokemen, and the sokemen enumerated in this classification were not freeholders at all, but privileged villans enrolled for the most part to manors on the Ancient Demesne of the Crown. They differed from the ordinary villans in the legal protection afforded to their holdings and in the certainty of their services. "There is another kind of villenage", says Bracton, "held of the king under the Conquest at England, called villans socage, which is villenage but privileged. The tenants, for instance, of demesnes of the king have this privilege that they cannot be removed from the soil, as long as they are willing and able to do the required services . . . they perform villanous services, but certain and fixed"³. These villenages were then exceptional

¹ *Wingfield, Villenage*, vol.

² *It is and is always in Kent*. *Wine Book*, 30 Edw. I. p. 156.

³ Bracton, l. i. c. 25. Thus in 1215 the men of the Bishop of Exeter at Exmouth brought a writ against him for attaching other services than those due to him, and won their case. *Wine-County Rolls, Exetershire* n. 300. On the Ancient Demesne, see *Wingfield, Villenage* p. 3.

and privileged, but none the less their exclusion from the public courts and the exaction of week-week stamped their tenure as servile. They were accordingly quite distinct from the freeholders, and at the best they can only be described as vilain sokemen.

(2) In other cases the increase in the number of free tenants was real and not merely apparent, and can be definitely traced to the creation of new holdings carved out of the demesne or the waste. Instead of the demesne remaining in the lord's occupation a portion of it, sometimes differentiated from the rest by the term "inland," was often alienated to tenants at a money-rent and held in free tenure. This practice was fairly common, as we may infer, for example, from a charter of the end of Chester (1089), which stipulated that "if any convert the earl's demesne into tributary land, whether it be a farmer or a bordeman that hold it, he shall pay tribute"¹. Two circumstances favoured the practice of curtailing the demesne in the interests of free tenants. It was necessary to reward the services of manorial officials², and in the feudal age services of almost any kind were usually required by a grant of land. Again the growth of population involved the need for making some provision on their behalf, and it was easier to sever a portion of the home farm than to attempt a redistribution of the manorial holdings. The cultivation of the waste afforded another method of coping with the pressure of population. Land was reclaimed for purposes of tillage, and was either added to the demesne or granted out to tenants. The clearance of the waste (manur) was of advantage to the lord who received the rent, and to those who were allowed to occupy it, but it conflicted with the interests of the villagers³ whose rights over the waste were proportionately diminished. The new holdings thus isolated out of the demesne and the waste were seldom large in size, and consisted as a rule only of a few acres, but there was no regularity. Among the new tenants for whom opportunities of rural employment were thus afforded

at the
time of the
land grant.

¹ *Charter of the Earl of Chester*, p. 107.

² *Ibid.*, p. 107.

³ *Ibid.*, p. 107.

were artisans¹, for the medieval workmen usually confined the cultivation of a small plot of land with industrial pursuits.

(c) *Cur-
marchet*.

(c) Finally, the class of free tenants was recruited to an increasing extent from tenants in villenage who had commuted their labour services for the payment of rent in money. But this was a development which will be considered later in connection with the break-up of the manorial system.²

*Officers of
the manor.*

The different groups of tenants comprised within the manorial community were hurried together, not only by their common interests in the open fields, but also by their common subjection to the lord of the manor. The authority of the lord was exercised through a manorial body which formed an important element in the rural population. A thirteenth-century treatise, the *Soukenham*³, describes the duties of the different manorial officers, the *reeve*, *bullif* and other servants of the demesne, upon whose industry and ability depended the working of the manorial system. Where the lord owned several manors, the charge of their administration was entrusted to the *reeve* or *steward*, who must, says the treatise, show *skillful*, *prudence* and *thought*, and possess a knowledge of legal lore to safeguard the lord's rights and advise the *bullif* in their difficulties. Twice or thrice in the year he is to make his round and visit the manors of his stewardship, making inquiry of rents and services and customs, ascertaining what is wrong and protecting the lord's interests in need arise. He should know how much land is in demesne and the amount of crop it is expected to produce. "And if there be any cheating in the sowing, or ploughing, or reaping", on the part of the customary tenants, "he shall easily see it". He may not remove the *bullif*, but if the latter is incompetent, "or if he have committed trespass or offence in his office, let it be shown to the lord and to his council, and he shall do as he shall think good". The *reeve* is to be responsible to the lord, who must not abdicate his authority by entrusting to the steward govern-

*The
reeve*

¹ *cf.* *Holt, Summary of St. Paul's*, 32 (passim with this article).

² *Ibid.*, p. 37.

³ Printed in *Walter of Henley, Stewardship* (ed. E. Lammie, 1892).

which are beyond a seneschal's province; for example, the seneschal may not sell or alienate a villain without special warrant from the lord. In the main the duties of the seneschal are those of general supervision. He "ought on his coming to each manor to see and inquire how they are tilled, and in what crops they are, and how the cart-horses, and oxen, cows, calves, sheep and swine, are kept and improved". He must also ascertain "how the bailiff bears himself within and without, what care he takes, what improvement he makes, and what increase and profit there is in the manor in his office, because of his being there. And also of the provost and hayward and keeper of cattle and all other officers, how each bears himself towards him, and thereby he can be more sure who makes profit and who harm". The bailiff in his turn is responsible for the management of the estate. He must know "everything connected with his bailie . . . for a bailiff is worth little in time of need who knows nothing and has nothing in himself without the instruction of another". He is to "rise early every morning and survey the woods, corn, meadows and pastures, and see what damage may have been done". He should take care that the ploughs accomplish their appointed task day by day, and cause the land to be marked, sowed, manured and improved. He must see that the customary tenants perform their services, and that the horses, and cows, and all the stock are well kept, that the corn be well and cleanly threshed, and the land well ploughed and well sown. He must also dispose of the surplus produce of the manor in neighbouring markets. The reeve is chosen by the village community as the best husbandman in their midst. His duties are manifold, and embrace the supervision of all the actual work done by the tenants on the farm. In practice, where the manor included both a bailiff and a reeve it was always difficult to draw a clear line between their functions. But the bailiff enjoyed a position of greater responsibility, while the reeve would seem to have been answerable for any shortcomings on the part of the tenantry. The rest of the twelfth is taken up with a description of other manorial servants: the hayward who

ought to be an active and sharp man, early and late looking after the wood, and corn and meadows; the smiths to whom accosts are rendered and the complaints of the tenants brought; the ploughmen who must be men of intelligence and know how to drive the oxen without hitting or hurting them; the waggons who should load and carry without danger to the horses, and lastly the cowherds, eweherds, shepherds and dairymaids.

The office
of reeve

In the thirteenth century the reeve was inferior to the bailiff alike in status and functions; broadly speaking, he represented the interests of the villagers as the bailiff represented those of the lord. The office was an unpopular one on account of the responsibility involved, and liability to serve as reeve was regarded as proof of villenage¹. The following passage from the manor rolls of Binghamthorpe (1295) will serve to illustrate both the choice of a reeve and the large payments made to avoid the burden. The jurats on the manor "say that John Aigren, John of Southwood, Thomas Smith and Richard Young are the best and most competent men of the whole vill for the purpose of filling and executing the office of reeve. And of these the steward has chosen Thomas Smith for the office. Afterwards the said Thomas made fine that he might be absolved from the office of reeve and gives the lord forty shillings"². In earlier times the relation between the reeve and the bailiff would seem to have been the reverse. The *grov's* and the *bolshus* are mentioned in Domesday and were, it is supposed, of villen origin³. The reeve at this period acted on behalf of the lord's interests and took precedence of the 'bailiff' to whom he was superior⁴. His duties in Saxon times are set forth in an eleventh-century treatise on the *Grov's*, the terms of which recall the description given above of the steward and the bailiff. "The sagacious reeve ought to know both the lord's land-right and the folk-rights, even as the counsellors of olden days have determined; and the season of every crop that pertains to a homestead; when it

¹ *Tempierstoft, Polwagner* 224 ff. 22. *Willson, Chaucery* 376; 381.

² *Rolls of the Manor of Binghamthorpe*, v. 245. *Feudal Society* 12, 103.

³ *Record of the Court of the Manor of Binghamthorpe*, 11, 125-126. ⁴ *Ibid.*

wamp districts, the farm-work is slier than in others. Let him who holds such office take heed that he guard and further every work according as is best for it. . . . He ought prudently to consider and diligently to look into all the things that may be for his lord's advantage. . . . He must know both the less and the more, both the greater and the less important matters that concern a household, both in the farm-yard and on the down, both in wood and in water, both in field and fold, both indoors and out". There follows an enumeration of "matters that concern a household" so detailed that the writer at length exclaims: "It is tedious to recount all that he who holds this office ought to think of. . . . Many things are needed for a faithful reeve of a household and for a temperate guardian of men"¹

The servants of the manor formed a very large body, generally drawn from the inhabitants of the village whose surplus population found employment upon the demesne. Their services were rewarded in different ways. Land was often attached to the office of reeve², and at other times he was allowed a partial or even complete remission of the rents and services due from his tenement³. This was doubtless a common provision, while those permanently employed would receive food and drink and clothing⁴. The importance of this administrative staff in the economic organisation of the manor can scarcely be over-estimated⁵. "It mediated between lord and subject, between military order and industrial order". It linked up the various estates belonging to the lord and constituted the channel of intercourse between different parts of the country. Within the manor itself it acted as the brain of the community, directing its affairs and administering its concerns; in a word, regulating and controlling all the varied economic activities of mediaeval rural life.

Reeve's
more of the
municipal
body.

Hitherto we have dealt only with one aspect of the

¹ *The Reeve*, printed in Liebermann, *Customs*, i. 419-420. Printed in W. Cunningham, *Source of English Society and Customs* (1910), i. App. B.3.

² *Chancery Rolls*, ii. 199. — Another speaking of land pertaining to the office of reeve.

³ *E.g. Customs of Battle Abbey*, 17, 24, 26.

⁴ *Twelfth-Century Villagers*, 201. *Customs of the Manor*, 1, 7. ⁵ *Ibid.*

The medieval rural community, the structure of the manor and the economic rights and obligations of the various classes comprised within it. We have now to speak of the vigorous "dash" into which the medieval population tilted, the forms and methods of husbandry and the more important features of agricultural organisation.

In the history of English agriculture two important stages are clearly marked, and the contrast between them forms the natural starting-point for investigation. The first stage is that of the open field system which lasted throughout the Middle Ages, and survived in some parts of the country to the opening of the nineteenth century. The second stage is that of enclosures which began in the fifteenth century or even earlier¹, and in our own day² have completely superseded all other systems of tillage. The history of medieval husbandry is therefore the story of the open field system and the passage to the methods of cultivation now in vogue.

The open field system took its name from one of its most striking features, the wide and continuous tracts of arable land which stretched away from the village on every side, and throughout the year or during a great part of it remained open to the trespass of man and beast. In accordance with modern principles of farm-management, land set apart for purposes of tillage is enclosed all the year round by hedges which usually are never removed. But in medieval husbandry there was no permanent separation of arable and waste. Between seed-time and harvest, while the corn was growing, the land under crop was protected against trespassing by temporary enclosures rudely constructed to serve as hedgeable ead. Once, however, the harvest was reaped and the corn gathered into the barn, the hedges were removed and the fields then lay open; the village cattle could stray in and graze upon the stubble, and the land was treated as common pasture. The meadow also was only enclosed during part of the year while the hay was growing.

¹ *Ibid.*, p. 119.

² For some modern accounts of open fields, see G. Stiles, *The English Peasantry and the Evolution of Common Fields* (1891), R. P. Cross, *West Devonshire* in 1886. The new field system (called in Shropshire its *Stapledon*) in Dorsetshire in 1897. E. E. Johnson, *English Farming Past and Present* (1920) 19.

and when the hay was cut it reverted to the condition of waste. The land of a medieval village can thus be regarded as primarily waste, of which portions were temporarily enclosed and ploughed up in order to provide the villagers with corn.

There were two forms of open field husbandry, extensive and intensive, and each corresponds to a different phase of economic growth, the former to the tribal stage, the latter to the stage of the settled community¹. In the case of extensive cultivation, or as it is sometimes termed 'the cultivation of the waste' or 'wild field-grass' husbandry, there were no permanent arable fields, but every year a different piece of land was tilled and after the removal of the crop was abandoned in favour of other soil. Each year fresh ground was broken up by the plough and then was left to return again into grass. This system of agriculture was natural to primitive races and may still be found among the more backward peoples of the earth. Under the intensive system, on the other hand, the same land remained permanently under cultivation, and instead of an annual change of fields a definite part of the village was retained for arable purposes. It is scarcely possible to determine with certainty when intensive methods of cultivation replaced extensive. Among the ancient Germans described by Caesar and Tacitus the more primitive system was in vogue. When Caesar wrote (c. 50 B.C.) they were still in the pastoral stage and passed their lives in fighting and hunting, though occasionally they sowed a crop and reaped it². A century and a half later agriculture had become their main pursuit, but Tacitus expressly tells us that "they change the ploughed fields annually and there is land to spare"³.

It has been commonly assumed from these statements that the agriculture of North Europe at this period was in a primitive state, but it must be remembered that the social and economic conditions which prevailed among the tribes known to Caesar and Tacitus were exceptional. They are

*Form of
open field
husbandry.*

*Form of
intensive
husbandry.*

¹ Bethheim, *Germany from 1000*.

² Caesar *De Bell. Gall. vi. 1* & vi. 22, 23.

³ Tacitus *Germania*, 28. "Acres per saltum colunt et saporum ager."

not typical of the tribes from which the invaders of Britain were driven centuries later, dwelling in warmer parts, save from the frontier of the Roman Empire, and with which Caesar and Tacitus do not appear to have come into contact. The growth of a military spirit¹ may very well be the explanation why tillage here was unprogressive, but in any case the evidence of ancient writers must not lead us into hasty inferences as to the conditions of agriculture among the peoples of North Europe. Archaeological discovery has brought to light the fact that cereals were cultivated among the Baltic nations as far back as the Stone Age, while among rock-carvings found at Tegnaby in Sweden is a representation of a plough, drawn by two oxen, belonging to the Bronze Age². It is probable, therefore, that the invaders brought with them an advanced system of agriculture, and we can scarcely suppose that they carried an extensive cultivation in England after their settlement. In some districts local conditions may have prompted a recourse to wild-feld-grass husbandry, but there is an undue tendency to regard as archaic survivals practices which may be quite modern, despite a certain resemblance to primitive usages. In all ages like conditions have suggested like expedients, and where we find examples of extensive culture we need not regard them as proof that the English invaders practised the system in this country. In the eighteenth century, for instance, Arthur Young found traces of it at Ganton and at Royston in Yorkshire, where the farmers "plough up the turf and sow barley or more often oats, and then leave the soil to grow of itself a new crop"³.

of which
survivals.

But the best known example of extensive cultivation is that of Lander in Dorsetshire, where "the arable shifts periodically"⁴. According to a description written in 1850, "the lands of the tithing consist of . . . Lander Common, extending to about 1700 acres, which has from all time of which there is any record been possessed thus. A portion

¹ Chadwick, *Origin of the English Nation*, 1901, *Cambridge History of England* 1, 375.

² A. Young, *The Lander Tithing* (1900), p. 7, 54. Extensive cultivation also occurred at Blandford (Wiltshire) where the land was divided. *Proceedings Society*, p. 243.

³ Sir H. G. Stiles, *Fifty Years Ago* (1856), 22.

of it has been set off periodically, say once in five or seven years, to be broken up and ploughed during that time, and at the end of that time fixed has been laid down in grass, and grazed along with other leach; when another portion of the common was in the same way broken up and ploughed, and again laid down in grass. The portion of the common so broken up and ploughed at a time has, of recent years, been about 150 acres in extent". It is tempting to see here an archaic survival of primitive agrarian practices, but in all probability it is nothing more than "a striking instance of the old Scottish system of 'out-field' cultivation applied to common lands"¹. A description of the 'out-field' system is given by Scott in the opening pages of *The Manse*: "The part of the Township, properly arable, and kept as such continually under the plough, was called *in-field*. Here the use of quantities of manure supplied in some degree the exhaustion of the soil, and the farmers [sic] raised tolerable oats and bear, usually sowed on alternate ridges, on which the labour of the whole community was bestowed without distinction, the produce being divided after harvest, agreeably to their respective interests. There was, besides, *out-field* land, from which it was thought possible to extract a crop now and then, after which it was abandoned to the '*stony influence*' until the exhausted powers of vegetation were outworn. These *out-field* spots were selected by any farmer at his own choice², amongst the sheep-walks and hills which were always annexed to the Township, to serve as pasturage to the community. The trouble of cultivating these patches of *out-field*, and the precarious chance that the crop would pay the labour, were considered as giving a right to any tenant who chose to undertake the adventure, to the produce which might result from it".

It is not difficult to understand the motives which prompted the adoption of an intensive system of tillage. The alternative form of husbandry is only possible indeed

*Antiquary
rebuilding*

¹ J. H. BROWN, "The Village Husbandry of Lanark", in *English Past and Present*, 1908, where Scott's description is also mentioned.

² At Lanark the selection was more complicated: *ibid.* 132.

among nomadic or migratory tribes, which are able to wander at will over an unlimited area. In process of time men come necessarily to acquire more settled habits, and the roving instinct is then superseded by a feeling of attachment to their homesteads. Moreover, the growth of population, and the gradual restriction of territory owing to the encroachment of neighboring tribes, rendered it impossible "to change the ploughed fields every year". The change to settled agriculture would be facilitated by the growing experience of the cultivators, who would find that by means of manuring and the concentration of their efforts on the same piece of land they could greatly improve the quality of its crops.

Two field
and three
field
systems.

The adoption of intensive methods of cultivation was necessarily accompanied by new methods of laying out the land. The arable fields of the village were now held in permanent occupation, but it was scarcely possible to cultivate them year after year without affecting the quality of the crops, and impairing the condition of the soil. The land needed periods of rest to recuperate its natural fertility. Accordingly it was divided into large tracts, of which each was cultivated in turn. This gave rise to what are known as the two field and the three field system, which commonly replaced the one field system, or "whole-year lands", where the entire acreage was brought under cultivation at the same moment. Under the two field system the whole arable area was arranged in two fields, and each was sown one year and lay fallow the next. The field under cultivation was either sown entirely with wheat, or one half of it was sown in autumn with winter corn, wheat or rye, and the other half in the early part of the year with spring crops, barley or oats.¹ The field that lay fallow was ploughed twice over at the beginning of summer, though

¹ The one field system survived in Norfolk and part of Suffolk. See *Notes for England*, p. 179.

² *Walter of Henley, Wednesday, 3. 2. 42*. Richardson observes that (i) barley and oats should be sown in March, (ii) the best time to fallow was December end of March and April, (iii) the second "stewing" should be in August and the beginning of September, (iv) wheat and rye should be sown about Michaelmas. *Book of Wednesday* (ed. W. Hunt), 23, 25, 32.

apparently in more remote times.³ There was only one 'stirring' of the fallow. Under the three field system the land was divided into three fields, of which two were cultivated every year, one with winter crops and the other with spring crops, while the third field lay fallow and was ploughed twice. The merit of the three years' rotation of crops was that it produced more crops for the same amount of ploughing. This is shown by Walter of Henley who wrote a treatise on Husbandry in the thirteenth century.⁴ If 120 acres were ploughed on the two course system, the plough would cover in a single year 240 acres, since the field under crop, containing 80 acres was ploughed once, and the other field equal in extent was ploughed twice; but the amount of crop would only be that of 80 acres. If again 120 acres were tilled on a three course system, the plough would still traverse 240 acres, each of the two fields under crop accounting for 80 acres, and the fallow field for 80; but this time the crop would be that of 120 acres. Walter of Henley's programme of cultivation was apparently ideal, rather than an expression of what the plough could actually accomplish in a year.⁵ Still it is clear that where the three field system was in vogue, a larger extent of land could be cultivated at no greater cost than was required to cultivate a smaller area on the alternative plan. In like manner, to obtain a fixed return of 80 every crop, the expense of ploughing was less under the system of three courses than under that of two. On the other hand, it could be argued in favour of the two field system that since the land received more regular fallowing, every other year instead of one in three, the quality of the crops would be better. It is uncertain which system prevailed more generally in England. The three course rotation appears to have been regarded in some places as advanced farming even as late as the fourteenth century⁶, and this would suggest that in earlier times it was less common.

³ C. M. Anderson, *The Old English Manor* (1892), p. 106.

⁴ *Husbandry*, § 30. 2.

⁵ *Medieval Husbandry Book and Beyond*, 208.

⁶ *Ibid.* 208 (p. 2).

Ultimately it was probably more general, at any rate in the south.¹

*Intensified
medieval life.*

Whether the form of open field husbandry, whether the extension of the intensive system of cultivation provided, the distribution of land among the village community was governed by the same principles of allotment. The accustomed acreways to the idea of a rag-bagged farm with a compact area of land lying together as one block, and separated by hawthorn hedges from neighbouring farms. But the medieval tenement was composed of small strips scattered in every direction over the open fields and lying intermixed among the other holdings. The whole arable land of the village was parcelled out in a multitude of strips, divided by narrow pieces of unploughed turf, termed *laine*. The size of the strips varied: some were acre strips, a furlong in length—the drive of the plough before it turned²—and four rods in width; others were half acre strips, where the length was smaller but the width was halved. Each cultivator owned a number of strips, but not in a compact bundle. This practice of splitting up a farm into tiny plots, and dispersing them among the numberless plots of other owners, was the most striking and fundamental feature of the open field system. The large stretches of arable fields, strewn everywhere with countless patches, presented a most chequered and variegated appearance with their mosaic of strips and mass of proprietary claims. The system of intermixed ownership is brought home vividly in the fact that many title-deeds conferring a grant of land give the boundaries of the whole village, the individual enumeration of all the scattered strips being a tedious process. Hence the same boundary might be repeated in two or more title-deeds having reference to entirely different holdings.³

¹ J. E. B. Rogers, *History of Agriculture and Prices* (1890), i. 42. He holds that the two field system was the prevailing one. Hence Agricultural Community, 22, continues Rogers' view. Walter of Warley describes the two field system as existing in many places, but (vol. ii.) regards it as more common than the three field. "and if poor lands are divided as two, as in many places." *ibid.*

² Bodinus, *Village Community*, 2. But the different names of the strips *age, yfrow, dale, madow, etc.*, see *Peckham, English Farming*, 24.

³ Hence, *Agricultural Community*, 22 et *passim*.

The antiquity of the system is shown by a law of 1200: "If monks have common meadows or other land divided into strips (*gold-land*) to fence and some have fenced their strip, some have not, and [cattle stray in and] eat up their common corn or grass, let these go, who owe the gap, and compensate the others who have fenced their strip for damage which may have been done"¹. In explanation of this passage, it should be observed that every strip-holder was responsible for the fencing of those of his strips which met the common boundary of the open fields.

The origin of the system of intermixed ownership must remain conjectural. One theory connects it with the practice of co-operative ploughing which, as will be seen, was an important feature of medieval husbandry. The evidence of the ancient laws of Wales² is employed to solve what has been called "the riddle of the open field system". They reproduce its land-use trials and show us the system of land distribution actually at work. The plough-team was composed of eight men, and all who took part in the ploughing were required to bring either oxen or implements, and extract them to the care of the ploughman. In return they were awarded a share in the produce, and as the land was tilled it was parcelled out among them. Every day a fresh strip was broken up, for an acre strip represented the amount of land which could be ploughed in a single day³; and every day a strip was assigned to the different members of the agricultural group in rotation according to the value of their contribution to the co-tillage. One strip went to the ploughman, another to the driver, another to the owner of the plough team, and one each to the owners of the oxen. In this way every one who was entitled to some part of the produce received a strip of land as his turn came round. From the evidence of the Welsh Code three conclusions would seem to follow. In the first place the strip-system, however incipient it is, doubt

¹ That the *gold-land* had a "dotted" land, i.e. partially fenced—cattle fields cut up into strips—is shown by Isidoreus, *Origines* Compendio. 120 (n. 1).

² *Ibid.* v. 10, 120, 2.

³ Walter of Henley assumes that the ploughing ends each day "a *maner*" (*Antiquary*, 1).

subsequently because, was due originally to the practice of common ploughing. The strips were scattered because they were allotted piecemeal, one by one, as a result of a daily distribution of the soil. Secondly, the small size of the strip would be accounted for by the fact that it represented the extent of land which the plough covered in one day. Finally, it explains the system of graduated holdings which, as already noted,¹ was a distinguishing characteristic of the medieval village. The position of the peasant in the economic structure of the medieval rural community was made to depend upon his possession of the requisite number of oxen. The craftsman, who had no oxen at all, had no strips in the open fields or at best was allowed a few scanty acres in consideration of some slight service. The peasant with a single ox received fifteen acres of land, while the virgate, the villager *par excellence* who held thirty acres, contributed two oxen to the co-rotation.

As
alternative
explanations

This explanation of the English system of scattered ownership seems to be untenable. It may be admitted that the scale of graduated holdings appears to correspond to the different parts of the plough-team², and the size of the strip was undoubtedly the measure of a day's ploughing. But there is no evidence that in England the ploughing was followed by any distribution of strips.³ Moreover, we find the system in Central France where only a single horse goes to the plough.⁴ In England again, while the heavy plough drawn by eight oxen was usual on the lord's demesne, yet the villagers themselves for their own holdings commonly employed the small four-oxen plough.⁵ It is clear also that if the principle underlying the allotment was based upon shares in the plough-team, then the owner of a hide, a hundred and twenty acres which corresponded to a full team, would have been independent of his neighbours' assistance and in possession of a compact and separate holding, instead of a scattered tenement as was actually the case. The virgate,

¹ *Ibid.*, p. 30.

² Thompson, *English Society*, etc.; *Peasants*, 120.

³ *Ibid.*, 121. *Old English Manor*, 101. *Medieval Farming Book and Record*, 146 (p. 1).

⁴ Thompson, *Peasants*, 113-114.

⁵ *Ibid.*

on the other hand, with his two sons would have been grouped with three other villagers, in a like position to his own, in the sequence² of the strips. It is more probable, therefore, that the system of strip-holding originated in the desire to secure equality³. The arable land of a village was not everywhere uniform in quality, and one part differed much from another in fertility and advantage of situation. It was possible for the value of the soil to vary greatly within a very narrow compass⁴, while the distance of the remainder of the land from the village was often considerable. At Kaseby, for example, "the farm-houses and barns" were "all in the village which is two miles away from a great part of the field"⁵. Hence it was necessary to avoid continuous tracts of property in parceling out the village lands among the members of the village community. Inconvenient though the system of strip-holding proved to be, it had its roots in the primitive instincts and fundamental principles of medieval rural life, the equality of the share-holders in the common fields. Incommensurate ownership was devised in the interests of the community as a whole; it sacrificed the individual, but in its origin it was intended to promote fairness in the distribution of each man's property. Every one was given a share alike of soil that was good and bad, and soil that was near and far. The method of allotment sprung from the determination that no one should benefit at his neighbor's expense, and the tenacity with which the open field system continued to survive for centuries, in spite of defects that were incontestable, can only be explained on the ground that it was the product of forces as old as the village community itself. At a later period these forces were also at work in the New World, and they are said to account for "the original distributions of land in the older New England towns"⁶.

At first the strips were allotted afresh every year. The

¹ Tansworth, *Villagers*, 127-129.

² *Ibid.* 129-130; *Walsley, Old English Manor*, 250.

³ "The value of one acre could be eight times that of another in the same field." *Walsley, Walsley Hall and Beyond*, 216.

⁴ E. C. E. Gayer, *Common Land and Pasture* (1929), 200.

⁵ *Walsley, Old English Manor*, 250.

¹ *ideal*
and *real*
ownership.

right of a cultivator was not to retain his strips in permanent ownership, but to be assigned a portion in the annual re-division. Thus while occupation in security existed¹ the occupation was 'shifting', and there was, accordingly, a constant interchange of holdings. But when intensive succeeded extensive methods of cultivation, the practice of periodical redistribution must very soon have come to an end, and each individual was then allowed to keep his portion and hand it on unchanged to his sons. His interest in the soil ceased to be 'ideal', and developed into a 'real' and lasting ownership of his own particular strips.²

² *Joint*
tenancy.

The intermixture of strips was due to the presence of a strong element of communism in the mediæval village, in which the principle of private ownership of land received ample recognition, but the free play of individual enterprise and initiative was obstructed. This communal side of village life found further expression in the system of joint husbandry. Mediæval village was co-operative in character, and all the principal operations of agriculture were carried on in common. Indeed, the association of all the tenants in the open fields in a general partnership was rendered necessary, in any case, by the fact that a peasant would seldom possess sufficient acres to do without his neighbour's assistance. Accordingly the villagers worked together, ploughing and reaping every strip as its turn came round. On the other hand, the produce of the strips went to the individual owners, for rural life was only communal in one direction. There was co-operation for purposes of production, but there was no communitarian division of the produce, and no general sharing out of the crops among those who had taken part in the work.

However the practice of strip-holding may have originated, there can be little question as to the manner

¹ The 'Black Theory' which land was owned by the community before it was parcelled by individuals—is now described as "a sprout of the Romantic imagination." See Fustel de Coulanges, *Origins of Property in Law* (English trans., 1905), *Medieval Community* (English and French, 1906), 115. W. J. Ashley, *Early History and Economics* (1906), 240.

² The survival of shifting ownership as well as in Early England is discussed by G. F. Allen, "Early Forms of Landholding", in *English Past* (London, 1906), 297-311.

venance of a system of intermixed ownership. It was wasteful, uneconomical, and in every way bad economy. It is difficult to understand how a mediæval farmer could attend to his land with efficiency, when it was scattered over the whole village area. Instead of a compact property he was responsible for a crowd of disjointed plots, and proper supervision became hopelessly impossible. Much valuable time was lost in moving about from one strip to another, and a careless farmer was also hampered by other difficulties. It was largely labour thrown away to clean the soil¹ when he was at the mercy of untidily and careless neighbours, from whose untidy strips the wind readily carried the seed of thistles to his own. Time again was wasted in quarrels between the owners of contentious strips over alleged encroachment on one another's land, for the great halls were no barrier to trespassers. But the chief drawback of the common fields was that they bound the cultivator to a system of common tillage. The compulsory character of mediæval husbandry affected all strip-holders alike, whether the lord of the manor, or the freeholder with rights pleadable in the king's courts, or the serf attached to the soil. No one was free to manage his own land in his own way. The individual farmer was consciously subordinated to the general will, and private interests were sacrificed to the superior 'will' of the community. Every village had a voice in the communal management of the whole village territory, but he was denied complete individual control over his own acres. Customary rules regulated primitive farming, and traditional practices became stereotyped. Agricultural operations and the concerns of agrarian life were determined upon by the community as a whole: 'the rotation of crops, and regulation of the ploughing, sowing and reaping, the allotment of meadows and treatment of the common waste, the rules for fencing and removal of hedges, the decisions as to rights of way over the "communal fields" and the maintenance of

Antiquary of the manor system.

¹ Cf. *Bedouin Village Community*, 15-16.

² *Ibid.* *Agricultural Community*, 41 *et passim*, *Wantagehall, English Society*, 478.

roads and paths.¹ All this left little room for innovation or change, and the most enterprising farmer, tied hand and foot by the tyranny of custom and his dependence upon his neighbours, was not allowed to use his land to the best advantage. The culture of open fields afforded no scope for the exercise of special skill and no opportunity to try experiments. The husbandman had to plough and reap at the appointed times, and work in accordance with time-honoured principles however obsolete and futile. The system of leased-out holdings and the practice of co-cultivation largely help to explain why medieval husbandry remained for centuries so backward.

Its merits.

On the other hand, it is fair to remark that medieval agriculture was not altogether without its compensations. It served at any rate to prevent excessive negligence, for a definite standard of tillage could be maintained where every peasant worked under the eyes of his neighbours, and was subjected to the unceasing supervision of the manorial officials. Moreover, village life in the Middle Ages, in spite of a certain isolation and self-dependency, was much exposed to the disturbances of war. The tiller of the soil was often summoned away from the plough to meet his country's enemies, or to fight the king's quarrels with a turbulent nobility; and the fields were then abandoned to the care of those who remained at home.² This would favour a system of joint husbandry and indeed render it an indispensable condition of tillage. But the real merit of the open field system lay in the advantages it afforded to the small

¹ See the eye-view of Great Tew (Oxon), which "throws strong reflected light on the actual practices of open field husbandry." "Vaguerdell." An Illustration of the Continuity of the Open Field System. In *Quarterly Journal of Agriculture*, vol. 34-35. We notice particularly the collective management of the common wastes and "Common Rights of Collecting and Disposing of Castings." In *The Camden Miscellany*, 12, 164, 165.

² This is recognized in W. Stoddard, *Elementary and Practical Treatise on Leased Property* (1646). These distressed conditions survived longest in the North. Of the account of Furness: open field methods "were commonest at the time in which they were cultivated". For instance "small tenants united in supplying a plough the absence of the fourth man" when called away for military service "was no proportion to the cultivation of his land, which was entrusted to the care of three" others joined with the fourth in the maintenance of the tithes: *ibid.* T. Ford, *The Antiquities of Furness* (1876) 17-18.

farmer and the rural labourer. Where the system of scattered ownership prevailed, every labourer enjoyed an opportunity to occupy a few acres of land and so attain some degree of economic independence; every cottager could strive to improve his position, adding strip to strip as economy and thrift enlarged his scanty resources; while, stored up, rights of common¹ proved an invaluable provision for poor and struggling villagers. The result of the enclosing movement, on the other hand, was efficiently to divorce the labourer from ownership of the soil, to develop the growth of large farms, to accumulate land in the hands of the few, and to drive the rural population from the country into the towns.

Heretofore we have been concerned only with one aspect of the open field system—the cultivation of the arable; for this was the basis of medieval husbandry, and the most important part of the agricultural system. But other sides of agrarian life should be taken into consideration. The produce of wood, meadow and waste was no less essential to the economic welfare of the villager than the produce of the tillage. A husbandman, observes Fitzherbert, "cannot well thrive by his corn," alone, "for else he shall be a buyer, a borrower or a beggar"². He needed meat for food, and wool for clothing, and peat and turf and timber. To define the medieval tenement, therefore, as simply a bundle of strips scattered in the open fields is to convey a truly inadequate impression. The rights over meadow and waste were equally an integral part, and they constituted an indispensable element in the economy of the primitive household. Thus combined with the ownership of the arable were the several appurtenances (*portmanteau*), which were apportioned in accordance with the size of the holding.

The meadows were treated largely after the manner of the ploughed lands, but here the communal aspect of rural life was in even greater evidence. They were divided into strips, and these strips were distributed among the tenants in the open fields. The practice of annual co-solotment

76
medieval
husbandry

76
meadow

¹ *Ibid.* p. 72.

² Fitzherbert, *Book of Husbandry*, 41.

however did not come to an end, as in the case of arable, but continued throughout the Middle Ages. The same land was permanently set apart for purposes of mowing hay, but each year there was a fresh distribution of the strips either by lot or in rotation. Ownership consisted of being permanent was 'shifting'. At Putney, for example, the meadow was divided out each year by lot among eight tenants.¹ Even to this day the water-meadows of Yarnon by the Thames near Oxford are distributed annually, and lots are drawn for the right to mow the grass of particular strips.² We can only conjecture the reasons why the strips of meadow were not retained by their owners in having occupation, but were assigned afresh every year. In Domesday meadows were few³ and therefore valuable. In Domesday to-day 55,000 acres grew grass for hay, while in Domesday there were less than 7000.⁴ It is rare to find the hay harvest sufficient for the needs of the oxen and horses on the demesne; there was still less hay for the tenants, while it was even rarer that hay remained over for a market.⁵ Nor was this peculiar to the eleventh century, for two hundred years later an acre of meadow was often regarded as equivalent to two acres or more of the best arable land. The average value of arable on twelve Suffolk manors owned by the abbot of Bury St. Edmunds (c. 1300) was fivepence an acre, while meadow was worth eightpence an acre.⁶ At Manchester, according to an 'extent' held in 1322, an acre of arable was valued at eightpence and an acre of meadow at three times the amount⁷, while at Cressley in Lancashire arable was worth eightpence an acre and meadow half a crown.⁸ The value attached to meadow-land was thus considerable, but the fact that it varied⁹ militated against permanent allotment. Other

¹ *Putney Survey*, i, 120.

² For a history of the custom and its present, see R. H. Cottrell, 'The Last Meadow Custom in England', in *Business Journal*, 22 (1922), 272, 273.

³ Thompson, *English Society*, 217.

⁴ Haskins, *Norman Land and Society*, 422.

⁵ Thompson, *English Society*, 217.

⁶ *Put. County Hist. Suffolk*, i, 249. See also *Put. County Hist. Berkshire*.

⁷ 120 to 360.

⁸ *Ibid.* i, 120.

⁹ Haskins, *Norman Land*, 424, 426.

⁹ *Trans. Agricultural Community*, 12.

peasants also explain why meadow-land changed hands annually. The permanent ownership of arable was necessary in the interests of good husbandry. A farmer would not concentrate much effort on his strips, if the next year they were to pass into other possession. But the hay-fields were not tilled or manured, and a temporary partition was therefore not open to that objection. Indeed, there was a distinct advantage in the system of annual redistribution as applied to meadow-land. We have seen that after the hay was mown the fields lay open to common use, and the village cattle pastured upon the stubble. The period of enclosure, termed 'the defence', lasted usually from spring (Easter-tide, and February) to Lammas Day (1st August), and accordingly the meadows were commonly called "Lammas Meadows".¹ Now the strips of meadow were so small that it would not be easy to return them in individual ownership during the many months of the year when the hay-fields were treated as common pasture, and the practice of reallocation at the beginning of each season would recommend itself as the simplest and most natural expedient.

In addition to rights over the meadow, the rights of common constituted a valuable appurtenance which was invariably attached to every holding as an inseparable and indispensable adjunct. On every side of the arable fields lay large stretches of land, which were left uncultivated and served as common waste, and over it the villagers had certain rights. Chief of these common rights was that of pasture, and its importance can scarcely be exaggerated. The system of tillage could not have been carried on without cattle to plough and manure and to carry loads, and accordingly there was vital need for pasture. Private enclosed pasture was unusual,² and so a portion of the common waste³ was devoted to purposes of pasturage. This pasture-land is to be distinguished from meadow, since it

*Signs of
enclosure*

¹ Commoners' own waste or pasture-land after all the rest. (Lammas Land was meadow.) (Lichfield's Land was waste, open between harvest and seed time. Commoners (i.e. unenclosed land) were by disengagement from Common Field (i.e. cultivated land). * Vinogradoff, *Feudalism*, 206.

² All commoners were not necessarily actual waste land, i.e. waste or tithable. W. Marshall, *Manager of the Agricultural Labourer* (1866), 22.

was used all the year round for feeding oxen and horses and sheep. It was not partitioned into strips, and there was no ownership in severity either permanent or temporary. But the principle of equality was at work here, as in other directions. Just as every villager suffered restrictions when his land was used for grain or hay, so he was restrained from pasturing upon the commons an unlimited number of cattle. The use of the commons was in technical phrase 'stinted', and rights of common were carefully apportioned to the holdings in the open fields. Legal distinctions were drawn between three different kinds of pasture rights: *appendant*, *appurtenant* and *in gross*. Common *appendant*¹ was a prescriptive right attached to the ownership of arable, and was the most important and the most general. The number of cattle allowed to each holding was fixed, as well as their kind, only 'concomitant' beasts employed in actual cultivation, oxen and horses for the plough, and sheep and cows for mowing, were permitted to pasture, and those who overstepped the limits laid down in the communal rules were punished in the manorial court. Common *appurtenant*² was the right to pasture either a greater quantity of cattle or cattle of a kind that was not used in tillage, swine and goats and geese; this right proceeded from the lord's grant or from an agreement. Lastly, common *in gross*³ occurred when the right of pasture was extended to those who were not strip-holders, and had no part or share in the cultivation of the arable.

Commons were sown for seeds.

The regulations, by which the management of the commons was carried on, affected every individual alike, and even the lord of the manor was not exempted from their operation. In legal theory he was no less the owner of the waste than of the arable and meadow, but he usually submitted to communal control and recognised the binding force of immemorial custom. If in contempt of local usage he pastured on the waste a greater quantity of cattle than was his due, his action did not pass unchallenged, and cases of litigation were not unknown⁴. The great man

¹ J. Williams, *Rights of Common* (1882), 20.

² *Ibid.* 156.

³ *Ibid.* 124.

⁴ *Viscountess Fitzwaller* 173.

of the tenantry were denied a legal status in their relations to the lord, but the freeholders at all events were able to voice the general grievance and claim a hearing in the king's court. A more serious infringement of the villagers' right of common was the curtailment of the waste owing to seigniorial encroachment. The lord was naturally tempted to enclose portions of the waste for purposes of tillage, but this conflicted with the interests of the peasants. The application of the waste, the right to enclose the commons, developed during the thirteenth century into a burning question. The 'Exchequer' of Darleigh¹ throws light upon the various stages in the lord's encroachment upon the waste. To begin with, we find woods and pastures "absolutely free", where no dues whatever were paid. Then came other woods and pastures to which small dues were attached; others again burdened with heavy dues, and finally those enclosed by the lord for his own purposes. The Statute of Merton² (1235) recognised the lord's right to occupy waste land provided he left sufficient pasture for his free tenants. This act suffered from two serious defects. It was too vague, opening the door to endless controversy as to what should be deemed sufficient for the tenants, a point on which the interested parties were scarcely likely to come to agreement. Again the restrictions imposed upon the lord, however satisfactory, only concerned the free tenants and did not protect the general body of the villagers. As to the earlier practice before 1235, it is difficult to speak with certainty. It is sometimes thought that the Statute of Merton was a modification of existing common law in the interests of the freeholders, and that hitherto the lord had exercised an arbitrary right of appropriation unchecked. But it appears more likely³ that in earlier times the lord was not allowed to enclose any of the common waste without the assent of the free tenants.

Besides his right of pasture over the waste, the villager^{Common} could stock his cattle on the fields of corn-land and hay^{of which}.

¹ "Survey of the Manor of Darleigh", in *Records of the Social and Economic History of England and Wales*, 1, p. 216.

² Statute 1. ³ Cf. Vaughan, *Feudalisms* 174.

during the period of the year when the fences were removed and the land lay open. Between harvest and seed-time arable and meadow alike were united with the waste, and the proprietary rights of the individual owner were limited by the communal right of all the villagers to use the land as common pasture, a right technically known as *common of slack*¹. We have already seen how the treatment of the open fields as in a certain sense communal property was a characteristic feature of medieval husbandry, and in striking contrast to modern conceptions of ownership. The employment of the arable for purposes of pasture was in fact advantageous in many ways. The care of supervision was diminished when cattle were kept within the immediate vicinity of the village and there was also less danger of sudden raids on the part of hostile neighbours or men from across the border or from over the sea. Again, when land was tilled and oxen employed day by day, the remoter pastures could be of little service. It is clear also that the manure of the cattle was no less indispensable to the soil than the stable of oats and hay left lying in the fields was necessary for the cattle². This consideration entered largely into the relations between the lord of the manor and the villagers on his estate. The Anglo-Saxon freeman was not only "mote-worthy, and fyrd-worthy", but also "fold-worthy"³; he was a soldier in the national courts, a fighter in the national host and a share in the national economy. He could send his cattle either to his own fold or to that of the village. The denial of this right was attended by social consequences; it became a mark of degradation, and of inferior status. The tenure of 'fold-ake' by which a tenant was bound to do work at his lord's fold appears frequently in the Domesday of East Anglia⁴, though, on the other hand, fold service on the part of freemen is not unknown in later centuries. Thus the abbot of Kingswood was bound to find a fold of over two hundred sheep

¹ Williams, *History of Commons*, 56.

² Cf. Thompson, *Journal of the Royal Society*, 1880-81.

³ *Constitutiones antiquae de Foresta*, i. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

⁴ *East Anglia Hist. Society*, ii. 21.

villages—with open fields stretching away on every side, and farm-houses grouped together in a single street round the manse-house and the church. But in the west of England we also find another type of settlement, the Celtic hamlet, with scattered hamsteads covering the country-side; here the enclosures of the common fields proceeded more rapidly and at a much earlier period than in other parts of the kingdom. In the second place, a warning needs, perhaps, to be uttered against the undue stress that is apt to be laid upon the economic self-sufficiency of the medieval manor. Ministerial accounts showing frequent and extensive sales of surplus produce in markets, and manorial records disclosing the large amounts of money often derived by the lord from his tenants,¹ conflict with the generalisations commonly made as to the isolation and self-sufficing character of the Old English village.

of the arable. Instead of the permanent allotment of the strips, we find shifting arable only. Further the arable fields are apparently not used as common pastures after harvest or during a fallow year.

(ii) The *Straw* type (as the *Medieval* appears in the blending of the English and Celtic types). Here there is permanent ownership of the strips as in (i), while the three-field system is introduced, or the rotation of (ii); wheat (and two crops the land devoted to pasture).

(iv) The *Waste* type, here the Celtic tradition is stronger. See G. Hines, "The Influence of Common Fields Considered Geographically", in the *Geographical Journal*, 1911, 21-22.

¹ *Medieval Customary Book*, 82. For County West. Leicestershire, R. 107. Smyth, *Uses of the Domesday*, 1, 187; H. L. Goss, "The Commutation of Village Services", in *English Med. Studies*, 1902, 190. Cf. also the low rates of carriage, an indication of extensive local trade. The markets of London were supplied by Stamford. See *Feud.* 1, 301-2.

CHAPTER III

THE BREAK-UP OF THE MANOR

THE break-up of the manor was one of the most important movements in the social and economic history of the later Middle Ages. It transformed the character of rural society and revolutionized the structure of agricultural labour. It covered the passage from a condition of natural husbandry, where services were rendered in kind, to a condition where money supplied the basis of all economic relationships. The motive of the manorial system was composed, as we have already seen, in the intimate connexion established between the lord's domain and the community of unfree tenants, and the fundamental purpose of such a unit was to provide labour for the cultivation of the home farm. Accordingly the forces which undermined the fabric of manorialism were twofold: commutation of services and the alienation of the demesne. In the one case the lord found it to his advantage, or was compelled, to release his tenants from their customary obligations and exact money wherewith to hire free labourers to work his estate. The acceptance of rent in lieu of services dissolved the links between the servile tenants and the home farm, and commutation was thus the most powerful agency and conspicuous factor in the process of manorial disintegration. In the other case the lord initiated an entirely new departure. He gave up completely the system of direct exploitation of the land, and yielded the management of his demesne into other hands; he ceased to be a farmer and developed into a landlord, who leased his estate to tenants and lived on the income accruing from their rents. In both cases alike,

From
manorialism
to the
modern
system

whether he employed hired labour or abandoned farming altogether, the lord had no further need for compulsory labour; the villans were allowed to buy out their services, and legal agreements on the basis of wage-contract and a cash nexus were substituted for the natural economy of medieval farm management. Every social system would appear to contain within itself the seeds of its own decay, and the tendencies endangering the preservation of the manorial order were already at work in the thirteenth century, though they were enormously accelerated in the century which followed.

A slow
realisation
of services.

The commutation of service labour for money rents began at an early date¹, and a variety of motives combined to bring about the substitution of payments in money for services in kind. As the lord preferred to employ mercenary instead of feudal levies, which were difficult to manipulate, so the lord tended to prefer hired labour to services which were often grudgingly given and reluctantly performed. "Customary servants", observes Valter of Henley², "neglect their work and it is necessary to guard against their fraud". The payment of money enabled the lord to determine more freely his methods of estate management, while the system of forced labour was attended by many drawbacks. It was clumsy, inefficient, and an insuperable obstacle to agricultural progress. At the same time, the commutation of services enabled the lord to dispense with a crowd of officials, and to reduce the charges of his demesne. On his part, the tenant had everything to gain by emancipation from the daily routine of the home farm. His time became his own to devote to the supervision of his own holding, and he was also freed from personal subjection to the officials of the manor, and from the pressure of numerous and exacting demands. In the long run the peasantry alone profited

¹ There is an example of commutation at Harmondsworth before 1110: *Proc. Chancery Hist. Soc.* (1902) p. 75.

² *Curmancy*, 12. Thus at Kyllbury (1303) one tenant was fined for not harvesting, another for not ploughing, a third for withholding the rent from the mill, and a fourth for not coming to mow the meadow: *Parish of St. James, i. p. 202* (p. 2).

by the change from services in kind to services in money. The converted payments when permanent were fixed once and for all. Accordingly, when the purchasing power of money diminished in the sixteenth century, the income of the landlord fell, while the copyhold tenants were protected from a rise in rents corresponding to the new scale of values.¹ It was difficult for the lords to reverse the old bargain, or revise the customary assessments on what would appear to them a more equitable basis. Hence the transition from a natural to a money economy did not, as it is sometimes supposed, straightway introduce an era of competitive prices, and rents often remained stationary for centuries.

There were varying degrees of commutation, nor was it necessary that all the obligations demanded from a tenant in villenage should be commuted at a single stroke. The tenant would endeavour to shake off the more oppressive services, while the lord would be inclined to release those dues with which he could most readily dispense. Rents in kind were generally commuted at the rate of two pence for every cupon and one penny for fifteen eggs.² Sometimes carriage duty was commuted, at another time week-work with its unrelenting ploughings and harrowings, and daily boom-work performed at harvest-time. Boom-work ceased to be profitable when the charges of food and drink at the lord's expense exceeded the value of the services rendered. On the manor of Borestone in Sussex³ every villen was required to harrow for two days, receiving three meals a day, the value of the food was sixpence, the work was worth fourpence, "and so the lord loses a penny". But as a rule, though not invariably⁴, the boom-services were commuted last of all. Work-work was done at fixed times in the year, but the *ponder* was exacted at the lord's will, and were therefore more adaptable to the changing conditions of the seasons, moreover, harvest work was less

The *series*
of *com-*
mutions.

¹ *Ibid.* p. 128.

² *The County Hist. Notes* ii. 317.

³ *Customs of the St. Mary, in* *History of Hutton in Lower England* (the *Review* 2000, 112) in 1511 two *ponder* were commuted for money "which *alios plus quam proventus ageris / alios vobis inde exigimus*". Cf. also *Plat. Camp. Hist. Middlesex*, ii. 1215.

⁴ Cf. *Hutton* (see p. 5).

really hired than ordinary manual labour. Not only were there different degrees of commutation, but commutation was often merely a temporary expedient favoured by the circumstances of the moment, and not intended as a permanent arrangement. Sometimes commutation did survive desirable, as Gresham in Rutlandshire there were twenty-four virgates held in villenage for each of which the tenant paid twenty shillings, and it is expressly stated that no labour services were due.¹ A class of medieval² came into existence, tenants who held their land on villen tenure and retained the distinctive traits of villen status—for example, the liability to marchet fines—but who paid rent instead of labour services. It was, however, to the lord's interest to retain freedom of action, and one year accept money and another revert to labour rents. It is erroneous then to speak of a general movement towards commutation before the Black Death. There was no uniformity in the process; it was possible for a manor to waver between the two systems of payments in kind and payments in money, employing each alternately. The failure to take into account this important fact has been the source of misleading notions. An example of the irregular side of 'work' is furnished by the manor of Wistow, where the lord 'sold' nearly six hundred works in 1321, and less than three hundred five years later.³ The system of commutation was devised, in fact, not in order to improve the condition of the villen, but in the interests of the lord. Indeed, when employed merely as a temporary device it was often detrimental to the tenant; not only did he remain as before liable to compulsory labour, but he could now be called upon arbitrarily to provide money instead of services whenever it suited the lord's convenience. In 1298 the seave of a manor belonging to Ramsey Abbey⁴ was charged with "taking bribes from the richer tenants as a

¹ *West. County Hist.* Rutland, i. 212.

² Wengstedt, "Medieval", in *English Hist. Review* i. 214-220.

³ Nelson, *Ramsey Manors* 70. At Trillickton (*West. County Hist.* Rutlandshire) 25 of works were sold in 1325, and 20 in 1380 and only 14 the year after the Black Death. At Alby (*West. County Hist.* Rutlandshire) in 1287 the same manor brought in one year 25, 25, 1, and another year 25, 25, 2 (p. 109, *ibid.* 11).

⁴ *Robert Plot on Monasterium Cantab.* i. 10.

consideration for not turning them into tenants at money rents, and with obliging the poorer tenants to become payers of money rent". This seems to bear out the conjecture that in the earlier period the process of commutation was often disliked rather than welcomed by the tenants.

The growth
of a labour
class.

The money derived from commutation enabled the lords to hire free labourers. The nucleus for a labour class was provided by the cottagers whose resources were too scanty to furnish the means of subsistence, and whose leases afforded them an opportunity to assist their more opulent neighbours. They were joined by other elements, and the class of rural wage-earners rapidly grew in numbers during the fourteenth century. Among those who entered their ranks were villeins, who had thrown up their holdings and withdrawn from the manor. While technically tied to the soil, the villein was able in normal circumstances to escape from his servitude without serious difficulty, although he was sometimes required to pay substantial fines¹. The population of the manor was ordinarily sufficient to meet the demands of the lord, and no insuperable obstacle impeded the path of those whom a restless longing impelled to wander from their homes and fields. Hence in the occasional flight of villeins from the manor is to be found one source for the development of a class of hired labourers during the thirteenth century. A second source consisted of villeins who had secured enfranchisement from bondage by manumission². A grant of manumission was acquired either by purchase or as a gift from the lord. At the end of the twelfth century, for example, a villein at Stanton was manumitted to enable him to go on a crusade³. Glanville points that a villein cannot purchase freedom with his own money, since all his chattels are in his lord's power and could be taken without the asking⁴. The transaction was therefore carried out through an intermediary, who acted on the villein's behalf

¹ *Ibid.* p. 30 (n. 2).

² *The Manor of London*, 98, enumerates the modes of enfranchisement.

³ *Stanton: Early Manumissions at Stanton* ("in *English Hist. Review*, 1891, 30).

⁴ Glanville, c. 1, s. 2. For a case where the agent proved dishonest, see *Selden Cases in Chancery* (Edw. I. 1251, 1252).

as his agent. A third source comprised villeins who had obtained emancipation from servitude by prescription.² The younger sons and brothers of villeins, whose services the lord was unable to utilize on the estate from want of land with which to endow them, would be allowed to reside away from the manor. Their connexion with it would grow more and more tenuous, and their descendants would be gradually absorbed into the ranks of the free labourers. But while we can thus form some notion of the materials from which a wage-earning class was constituted, we have no means of determining its extent by the middle of the fourteenth century.

The older theory.

The Black Death is commonly regarded as a turning-point in social development, a watershed dividing English economic history into two periods. It is at any rate a convenient point at which to register the degree of economic progress, and to determine the extent to which free labour had displaced servile labour in the cultivation of the manorial domains. The theory which won its way into common acceptance among the older historians is that by the time of the great pestilence commutation was no longer the exception, but had become the general rule. It has even been said³ that in 1381 "no memory went back to the more ancient customs", when tenants in villenage paid rent in service. But as a result of the scarcity of labour occasioned by the Black Death wages rose 50 per cent. The landlords therefore found that the money rents of their tenants were no longer sufficient to hire the necessary quantity of labour, and accordingly attempted to revive the old manorial arrangements in their stead. They "tried to reverse the old bargains which they had made with their serfs for the commutation of labour rents"⁴. Their attempt to compel the customary tenants by coercion to work once more on their domains is represented as the real cause of the insurrection of 1381. In spite of reactionary legislation, however, the protest of the villeins succeeded. "The

² E. W. Prynne, *The End of Feudalism in England* (Oxford, 1914).

³ J. H. T. Morgan, *Economic Interpretation of History* (1911), 79.

⁴ Prynne, *Agriculture and Feudalism*, pp. 101-102.

demands of the villans were silently and effectually accorded . . . the dread of another servile war promoted the liberty of the soil"¹. The landholders had been taught a lesson, and were henceforth afraid to insist upon the exaction of labour dues, and villinage died out as a result of the insurrection. These views appear untenable. The progress of the movement towards commutation and the causes and consequences of the Peasants' Revolt have alike been misunderstood.

The manorial system was essentially adapted to an age of natural husbandry. Where money was seldom used save for purposes of foreign trade and exceptional emergencies, obligations were naturally discharged in other ways than through the medium of currency. The king raised an army, not by hiring mercenaries, but by the grant of land on the condition of military service. The lord cultivated his estate, not by hiring agricultural labourers, but by allotting tenants on the condition of lordial service. This system could only break down when the supply of money became sufficiently great, and its circulation sufficiently rapid, to familiarise men with its efficiency as an economic instrument. Now the transition from a natural to a money economy was certainly accomplished earlier in England than in many other European countries. But the progress made by a money system can easily be exaggerated, and we have no real ground for assuming that by the middle of Edward III.'s reign a money economy had replaced natural husbandry to the extent which the complete commutation of personal services would necessarily presuppose. Accordingly, the ease with which money would seem to have blocked the path along which England was slowly moving from a system of labour dues to money rents.² On general grounds, then, we are led to question the progress of commutation³, but fortunately we have abundant evidence that at the time of the Black Death the system of lordial services was still in full operation. The manorial records of the fourteenth century show that in the year of the pestilence commutation

Can
commutation
begin the
Black
Death.

¹ *History, Agriculture and Politics*, p. 2, and *ib.*

² Cf. Page, *Decline of Feudalism*, p. 109.

had not yet become general, and that free labour had made no marked progress in displacing servile labour. Dr Page's analysis of the ministerial records of eighty-one manors spread over twenty counties has brought to light the following striking results: ¹ —

TABLE A (1350)

- i. On 6 manors *pechal* services were entirely abolished.
- ii. On 9 manors villains performed an insignificant part of the labour.
- iii. On 22 manors villains performed about half the labour.
- iv. On 44 manors villains performed practically all the labour.

These figures, after allowing for their incompleteness, refute the supposition that labour services were exceptional or entirely unknown in the middle of the fourteenth century.

The error as to the disappearance of villenage probably arose from the fact that, even as early as the thirteenth century, the services exacted from villains were assessed on the account rolls of the manor in terms of money. The

Peasants
of servile
in money.

¹ *Esq. Hist. of Villenage*, 22-25. According to the *English Historical Review* vol. xiii. Oct. 1896) by Mr. H. L. Gray holds that Thomas Knyght was "entirely mistaken" in his conclusion that the commutation of services had superseded Black Death peasant serfdom. Dr. Page's tables were based upon Knyght's statement. He compared the open *tenants' pechal* with the open *tenants' pechal* performed by the tenants, and where the latter predominated he inferred that commutation was not far advanced. Mr. Gray's tables are based upon the acquisition *pechal* manors for the years 1350-1360. He compares the value of the *pechal* whether paid in cash or commuted with the value of *tenants' pechal*, for the *tenants' pechal* was paid by the tenants, and where the latter are much greater he infers that commutation was far advanced. Accordingly he finds (1) that *tenants' pechal* was performed on only one sixth of the manors which he has examined—49 by manors and the *tenants' pechal* manors; (2) that *tenants' pechal* was no longer performed north and west of a line drawn from Ipswich to the mouth of the Severn; (3) and that north and east of this line services were still rendered on half the manors.

If we accept Mr. Gray's premises his conclusions might vary, service was not the exception and the rule. The problem here being in what consists the *tenants' pechal*. If in the manors they do actually perform and *tenants' pechal* services, then they would certainly furnish a fair basis for comparison between (a) *tenants' pechal* and the *tenants' pechal*, and (b) *tenants' pechal* and the *tenants' pechal*. But when we take into account the *tenants' pechal* value, the value of *tenants' pechal*, *tenants' pechal*, and the *tenants' pechal* it becomes questionable whether the *tenants' pechal* can be regarded as a satisfactory basis. Cf. also the *tenants' pechal* (pp. 60-61, 70), where the value of *tenants' pechal* and *tenants' pechal* are fixed at money, a convenience which might very well suggest commutation. Yet a little later we find that if *tenants' pechal* were required (i) *tenants' pechal* (about) three *tenants' pechal* are to be reduced or required—showing that *tenants' pechal* still continued as their primary obligation.

practice was adopted from motives of convenience; it laid the basis for commutation, but it did not imply that the tenant invariably paid a money-equivalent in place of personal service¹. On the manor of Wilburton in Cambridgeshire all the 'works' (*opere*) exacted from the tenants were valued in money: every winter or summer work was worth a halfpenny, and every autumn work a penny². This was in the thirteenth century, but the permanent commutation of profited services did not take place until two centuries later. The advantage of a system of reckoning in which a money value was attached to every service was twofold: it established a scale of penalties in cases of default, and it enabled the lord to take money instead of labour whensoever it served his purpose. Each year the lord sold a number of works at customary rates, offering the tenant whose services were not at the moment required the option, which may have been voluntary or compulsory, of paying money as a substitute. The extent of commutation, however, varied from year to year; at Wilburton 58½ winter and summer works and 23 autumn works were sold in 1330, while four years later only 8 works were commuted. This manor was not exceptional, and on other manors also the exaction of week-work and boon-work was protracted beyond the Black Death and the Peasants' Revolt. On the manor of Winton in 1366 only 496 works were sold, and no less than 2074 works were performed.³ At Hamondsworth in Middlesex the services rendered in the reign of Richard II. were thus enumerated in the twelfth-century customary⁴:

The Black Death proved to be an economic catastrophe of supreme importance. How great an impetus it gave to the process of commutation may be gauged from the condition of 206 manors within a generation following the pestilence⁵ :—

One
manor
after the
First
Death

¹ For an example of works estimated in value of money, see *Records of Cardiff*, ed. J. W. Matthews (1892), p. 200.

² F. W. Marchant, "History of a Cambridgeshire Manor", in *English Historical Review*, n. 40, 100.

³ *First Century Map, Middlesex*, n. 72.

⁴ *Page Book of Wilburton, 1330*.

⁵ *Notices: Survey Reports*, 17.

TABLE B (1580)

- i. On 40 manors *pechal* service was entirely abolished.
- ii. On 39 manors villeins performed an insignificant part of the labour.
- iii. On 25 manors villeins performed about half the labour.
- iv. On 22 manors villeins performed practically all the labour.

A comparison of Tables A and B shows that in 1550 the villeins performed practically the whole work on 54 per cent. of the manors with which these tables are concerned, and in 1580 on 29 per cent. Again in 1550 they had commuted all or nearly all their services on 28 per cent. of the manors, and in 1580 on 62 per cent. It is clear then that the Black Death accelerated the dissolution of the customary system.

*Endemic of
the Black
Death.*

We have been warned against the temptation to raise the great plague to the dignity of a constant economic force¹. On the one hand, it did not set in motion the tendencies towards commutation; on the other hand, the progress of the movement was most rapid at the end of the fourteenth and during the fifteenth century². The immediate effects of the pestilence were indisputably violent and catastrophic, but the real problem is to determine how far the changes which it produced were temporary and how far permanent. There is evidence that on some manors at least a reaction took place, and the pestilence gradually swung back again³. Indeed the very statistics which we have cited above may easily convey a wrong impression. They are apt to suggest that after the Black Death there was a steady and ordered movement towards the general commutation of labour services. It is worth while therefore to turn to the rolls of one or two manors, and see how far this impression is justified by the study of their records. At Hutton, a manor in Essex, the *prebends* numbered 113, and the *agere villane* or ordinary villein services numbered 738. The table of

¹ Translated in *English Hist. Review*, vol. vii.

² *Ibid.*, p. 10.

³ See Tables C and D, *ibid.*, p. 11. The manorial accounts for Wether (Dev. County Hist. Journal, n. 192) show the rapid recovery of the manor. The receipts for the years 1345-1347, 1348-1350 and 1351-1352 were respectively (including *chilings* and *giltcorn*) £34, £38 and £45.

consentation for nine different years before and after the pestilence is as follows:¹—

TABLE C

	1320-1	1321-2	1322-3	1323-4	1324-5	1325-6	1326-7	1327-8	1328-9
Peasants	all	100	100	100	92	74	100	100	100
Open Woods	15	14	21½	27	100	42	112	110	100

This table bears out the conclusion that the effects of the plague, while severe, were often only temporary. In 1324 considerably more than one-third of the week-work was consented, and a few years later none at all. The manor of Winton shows the same tendencies at work.²—

TABLE D

In 1324 the number of weeks sold was 537				
in 1332	"	"	"	674½
in 1364	"	"	"	496
in 1380	"	"	"	189½

Again on the manor of Woodston in Berkshire³, the sale of works, which at one time brought in £23 : 6 : 8, produced in 1320 only £8 : 4s. But while these facts must be taken into consideration, the remarkable increase of free labour within thirty years after the pestilence indicates how enormous was the influence which it exercised upon the economic situation. The Black Death constituted a landmark in the historical evolution of the English peasantry from servitude to freedom. It gave a violent shock to the ancient manorial arrangements and weakened unparably the stability of the rural framework of medieval society.

However difficult it may be to measure the exact significance of the Black Death, it is certain that the hundred years which followed witnessed the complete disintegration of the old manorial order. The influences which had hitherto militated against the disappearance of villenage, and had worked to preserve intact the system of unfree labour,

Result of a century's servitude.

¹ Feiling, 'An Essex Manor', in *English Hist. Review*, 1871, 104.

² *Medieval Economy Manus.*, 27.

³ *Proc. Chancery Hist. Soc.*, 1871, 11, 117.

ceased to operate. The labour conditions of the country were transformed by the permeation of social forces, which called into existence a new agrarian organisation and established a new set of economic relations. The drift of the movement was in fact nothing less than the substitution of a society, organised on the basis of free contractual relations, for a society based upon tenure and status, a society in which the customary relations between lord and tenant were superseded by a uniform legal bond and cash nexus. The plague, which lasted for fourteen months, from August 1348 to the autumn of 1349¹, is believed to have swept away one-half of the entire population.² The figures of the chroniclers are to be accepted with caution³, but the disease institution books and the court rolls of manors⁴ afford irrefragable testimony that the mortality was overwhelming, and the effects were bound therefore to be far-reaching. To begin with, it is natural to suppose⁵ that the money per head of the population was as good as doubled, if the population were halved while the currency remained unaffected. This would facilitate the growth of concentration by affording the villains the means of turning their services into money payments. The objection has been raised⁶ that the financial panic succeeding to so great a catastrophe would counteract the increase of the available capital, but the financial panic would only be temporary, and there are other indications which also seem to point to a more abundant currency. The plunder of the French wars brought money into the country, the woollen industry was rapidly expanding, and a class of moneyed men was arising in London and the large towns. If the assumption is tenable that a money economy was becoming more prevalent, it would help to explain the readiness with which

¹ C. Diehlman, *History of Epidemics in Europe* (1892), I, 177.

² F. A. Gasquet, *The Black Death* (1908), 205. The number of wells visited in London in 1348 and 1349 is far in excess of other years. R. H. Sharpe, *Calendar of Wells* (1911), I, p. xxviii.

³ F. G. Knighton, a contemporary Leicester chronicler, exaggerates the figures for Leicester. *Records of the Borough of Leicester*, ed. H. Burton (1882), II, p. lxxv.

⁴ A. Jones, 'The Black Death in East Angles', in *The Coming of the Plague* (1912), 204. Gasquet, *op. cit.* passim.

⁵ Page, *End of Villenage*, 94, 117.

⁶ *English Hist. Review*, 27, 179.

the villagers seized the opportunities, afforded by the scarcity that followed the Black Death to buy out their labour dues. The relative increase in the quantity of money removed the obstacle which had hitherto served to check the emancipation of the English peasantry.

While the villains to all appearance now possessed the means of commencing their services if they were so inclined, there were stronger motives than ever to induce them to do so. Hitherto their position, when contrasted with that of the wage-earning class of rural labourers, had been in many respects enviable. They owned as a rule a substantial holding of twenty to thirty acres together with the valuable appurtenances of meadow and waste, their tenure was fixed in practice if not in theory, their services were determined by custom and in actual fact were not perhaps unduly onerous. But immediately after the Black Death there was an unprecedented rise in wages; reapers, for example, whose statutory rate was two or three pence per day, now often received frequency or *denarius*¹. "The labourers worked less", says the Reading Chronicle², "and their work was worse done". The prosperity of the hired labourer stirred the rivalry of the villains, who now longed to win their freedom and to share in the golden opportunities enjoyed by the emancipated workers. They began to find the manorial yoke and the compulsion to forced labour increasingly irksome. The new appreciation of the value of labour suddenly laid bare the economic and social degradation of servitude. Thus on the manor of Farnett in Norfolk land was let in the year 1378 at an average money rent of tenpence an acre, while the labour dues exacted from some of the villeins appear to have worked out at three and sixpence the acre³. Moreover, the Black Death affected the servile tenants in a way which attracts the closest attention. The amount of labour services exacted from the tenant

remains of
the villains.

¹ E. H. Prynne: *The Employment of the Labourer of Labourers* (1902), 100. In Middlesex (West County) that in 1316 laymen were not allowed to receive more than 1d. a day, women ½d., and women ½d. or ¾d. But they received on average more, e.g. reapers were paid ¾d. in 1320.

² *Chronica Johannis de Reading*, ed. J. Hall (1904), 119.

³ F. G. Thompson, "The Decay of Villenage in East Angles", in *Transactions of the Royal Hist. Soc.* N. S. ser. 1, 20, 191.

in villenage appears at first sight extremely heavy, and to leave little leisure for the use of his own scattered strips. But in reality, as we have already seen¹, a virgate generally maintained a household, not of one, but of several members, —and sometimes even more than one household—who co-operated together in discharging the obligations incumbent upon the holding. Indeed the fact that tenants were required at harvest-time to furnish additional labour indicates that there were men in every household, whose services were normally at their own disposal. The lord claimed the service of one man for one virgate, and the burden of these services was shared among the members of the household. But when the Black Death carried off half the nation the surviving tenants found their work actually doubled, not from any increased pressure on the part of the lord, but because the burden now fell entirely upon their own shoulders. An intolerable situation was thus created, the product of forces for which neither the lord nor the tenants were really responsible. As a natural corollary the villenage left no stone unturned to obtain relief from their position, and ultimately they broke out into open rebellion in 1381.

The new
villainage

The emancipation of the villenage was not achieved without a struggle. The very circumstances which now gave to economic freedom a new meaning enhanced in the eyes of the lords the value of the old servitude. They found that the increased cost of agricultural labour rendered the commutation of services no longer a profitable expedient. Thus at Aston² in Cheshire a tenant was forced to pay the huge sum of twelve shillings in the place of commencing a rent of five shillings and customary services valued at three shillings and ninepence. The reluctance with which the landlords now accepted money payments in lieu of labour rents is shown by the provision inserted in the new leases, expressly safeguarding the rights of the lord, and fixing the duration of the tenancy at the lord's will or until a fresh tenant would agree to the old accustomed

¹ *Supra*, p. 15. Cf. *English Hist. Review*, cv, 228-229.

² *For Cheshire Hist. Collections*, ii, 179.

services (services given *independently of contracts*).¹ The material relic of a Cambridgeshire manor² tell how a tenant was admitted in 1396 to a holding at a rent of twelve shillings to hold to him and his heirs (posteriority), until some one should come to take it at the accustomed services, and in case such a one appeared the tenant was to have the option of continuing to hold at the old services, and should he reject this option he was to receive from the incoming tenant the costs that he had laid out upon the tenement. Even as late as 1417 a tenant received a holding on a Middlesex manor³ for five years at a money rent on the understanding that the lease should terminate, if a newcomer would take it "according to the custom of the manor for rent and services". But at the moment the lords were powerless to resist forces that brooked no opposition. The villeins, owing to their depleted numbers, held a weapon in their hands which rendered their masters impotent; this was the threat of desertion. "If their masters challenge them and offer to pay them for their services according to the form of the said statutes, they fly and run suddenly away out of their own country from county to county, from hundred to hundred, and from village to village, in strange places unknown to their masters."⁴ This description (1396) was no less true of serfs than of free labourers. In earlier times flight from the manor, though not altogether unknown, was rare. The law which annexed the soil to the globe was enforced primarily because the economic conditions of the period served to retard any general fluidity of labour. These economic conditions had been twofold. In the first place, the position of the villain, whatever its drawbacks, was sufficiently equitable on the whole to induce him to abide on the manor, rather than abandon his holding and expose himself to all the risks of the unknown world beyond. In the second place, the world beyond offered scanty prospects to induce the peasant to throw away a substantial holding

¹ *Exchequer Abbey* was assigned by Bishop Gray not to great houses beyond five years. *Exchequer Cartulary*, ed. H. E. Salter (1908), p. 109. Cf. *Page Book of Villenage*, pp. 74.

² *English Hist. Review*, 22, 237.

³ *New County Hist. Middlesex* = 75.

⁴ *Ibid.* *ibid.* p. 100 n.

for serfs in Utopia. But after the Black Death both conditions were now reversed. The tenant in villenage was no longer contented with his lot, for the burden of his responsibilities remained unchanged, although his household was sadly diminished in numbers. This alone, however, would not have sufficed to drive the villen from his heritage, and the determining factor in the situation was the new inducements which urged him to relinquish his holding and seek his fortunes further afield. Confronted with ruin, their land bare of inhabitants, their harvests rotting on the ground¹, the lords were driven to every device by which to attract settlers to their estates². Sometimes not a single tenant survived on the manor, and on court rolls appeared the significant entry³: "No one is willing to buy or hire the land of the dead tenant". No less eloquent is the passage in the *Exeter Cathedral*⁴, which relates how in 1343 scarce two tenants remained in the manor of Woodston, and they would have withdrawn, had not the abbot "entered into fresh agreements with them". In this evil plight the lords were ready to accept as free tenants fugitives from neighbouring manors, in order to induce them to take up the holdings which were left upon their hands and repopulate the manor. The desperate rivalry of the lords for possession of the labourers left the latter masters of the situation, and placed them in a position to dictate their own terms and claim a monopoly value for their services. Moreover, the dark trade was beginning to afford a fresh opening to restless spirits, discontented with their mode of life and craving for new opportunities of advancement. Hence has the significance of the century from 1350 to 1450 as a stage in the process of manorial decay. The medieval organisation of rural labour broke down completely when the villen suddenly found at hand alternative and more profitable sources of livelihood, whether in trade and industry, or in

¹ *Chaucer's House of the Carpenter*, li. 80.

² At *Forrest* 100 serfs of land reverted to the lord, and were let by him to new tenants. *Anna Regal Scot.* (see E.H. note 128).

³ *Curzon, The Black Death* 119-120. At *Weymouth (Dorset County Hist. MSS.*, ii. 25) no less than 100 tenants were wanted in 1343.

⁴ *Exeter Cathedral*, v. 29.

free labourers. The old relations between capital and labour were for the moment transformed, and the customary system of land-holding was no longer able to hold its own in the face of new and more attractive prospects. At the same time, the period of anarchy impaired the authority of the lord, and enabled the vassals to defy with impunity the legal restrictions that bound them to the soil.

The view that fugitive vassals were exceptional¹ is untenable, for we have abundant evidence to show how general was the practice of migration after the Black Death. We may take in illustration an East Anglian manor, Ferscote in Norfolk². Prior to 1349 there were but two instances, so far as the records go, of tenants who 'waived' their holdings, and in either case poverty was the compelling motive. But within the generation succeeding the pestilence, between sixty and seventy holdings had reverted to the lord on account of the death or flight of their occupants. Some became tenants on neighbouring manors, others joined the ranks of free labourers, others turned artisans. At Ferscote the manorial system was undermined, not by consumption, but by the dispersion of the peasantry over the country-side. The mobility of the rural population is strikingly demonstrated in the rolls of an Essex manor, Burton³. In 1281 the customary tenants numbered forty. A generation later (1321) twenty-five of the names enumerated in 1281 had disappeared, and eight new names are mentioned. In 1324 out of twenty-seven tenants only one name is reproduced of the tenants who were present on the manor in 1281; and in 1325 there were only three names identical with those of 1281. The inhabitants of this district evidently shifted from generation to generation, and if the example of Burton is at all typical it must compel us to revise our notions of the immobility of rural society. The stability of medieval agrarian life, as we shall have occasion to see in tracing the dissolution of the open field system, was often more apparent than real. The conservatism and tenacity of manorial

¹ E. F. Channing in *English Hist. Review*, iv. 29.

² *Trans. Royal Hist. Soc. N.S.* iv. 107.

³ *English Hist. Review*, xviii. 325.

arrangements were not incompatible with a degree of internal relaxation and change, to which sufficient recognition has hardly been accorded. The manor of Wilburton¹ affords another illustration of the difficulty with which the lords induced their tenants to remain on the manor. We are told how in 1264 a villager who held a tenement of twenty-four acres surrendered his holding, which fell back into the lord's possession. A new tenant presently appeared and accepted the tenement, but the succeeding year he too had followed in the wake of his predecessor, and the holding was once more vacant. In 1271 another villager received a piece of land for which the lord had failed to find a tenant; he took it unwillingly (*prole capto*), and was therefore released from the payment of the admission dues. The occurrence of such passages in the manorial rolls brings vividly before our eyes the social disorder now prevailing. Everywhere the tenants were abandoning their holdings, confident that they controlled the labour market, and everywhere the lords, clinging desperately to the remnants of their authority, were making the utmost concession from dread of losing their tenants altogether. It is evident, then, that desolation as caused from the manor accelerated the end of villenage in England. In default of tenants the lords were constrained to comply with the demands of the villans, and accept payments in money for services in kind. Landforth, Kington tells us², remitted the rents of their tenants for one, two, or even three years, that their tenants might not withdraw from their holdings; and procl services were relaxed for the same reason, "lest extreme and irreparable ruin overtake their houses and the land everywhere remain utterly untilled."

The progress of commutation can be studied from the account and court rolls of a Cambridgeshire manor³ (from Edward I to Henry VII.). Their evidence falls into three well-defined periods: to 1250, to 1400, and from 1400 onwards. In the first period the customary services of the tenants are reckoned in terms of money, and through this

¹ *English Hist. Review*, vi, 477.

² *Chronicle* i, 82.

³ *English Hist. Review*, vi, 477-478, 479.

facilitates the advance of commutation, very little is actually paid in money. The demesne continues to be cultivated by the tenants, but all the works are not always exacted, and the lord then obtains pecuniary compensation at fixed rates. In the second period, extending over two generations, there is still no permanent commutation of labour dues for money payments. Even after the Black Death the material accounts are kept upon the old basis of calculation, and it is assumed that there are due to the lord some 3000 winter and summer works and 800 autumn works. In 1357 only 5 works are paid, while no less than 800 works are actually performed in kind; the rest may apparently be accounted for by the fact that many tenants had exchanged to the lord and were let at a money rent. Hence at the close of the fourteenth century predial services are still the rule upon this manor, and customary holdings are still burdened with labour dues. Under Henry V a general commutation takes place, the tenant paying a shilling an acre, and forced labour is abolished once and for all. On other manors we can trace the occasional survival of customary services even beyond the reign of Henry V. At Harmondsworth in Middlesex¹ works were rendered in 1434, at Wiltone² in 1466, on some Dorsetshire manors³ at the end of the fifteenth century, and at Soukthorp in Bedfordshire⁴ in 1530. At the time of the Dissolution of the monasteries the tenants of Finnerham, a monastic estate in Kent⁵, worked in the fields, while under Elizabeth twelve copyholders on the manor of Fiebrighe in Surrey⁶ were bound to work with their lord in mowing and reaping. As late as 1563, every tenant at Notherhampton was required "to plough these half acres for the lord's winter seed and to harrow them, and also to wash and shear the lord's sheep . . . and farther such of them shall mow one

¹ *For County Hist. Middlesex*, i. 75. Even as late as 1501 two tenants paid for their services (ibid. ii. 72). For Bedford (1426), see *For. Comp. Hist. Essex* ii. 118.

² *Antiqu. Surrey Manors*, App. XIII. For Leckwith (1456) see *Curiff. Records* ii. 60.

³ *For County Hist. Dorsetshire*, ii. 120.

⁴ *For County Hist. Bedfordshire*, ii. 90.

⁵ *A. Sayers, English Monasteries on the Eve of the Dissolution* (1897), 106.

⁶ *Blanning and W. Kemp, Antiquities of Surrey* (1864), i. 100.

acre of meadow . . . reap one acre of wheat and . . . one acre of barley" ¹.

The
Statute of
Labourers

The spread of concentration involved the disintegration of the manorial system. When the payment of money superseded the exaction of personal service, the lord could no longer estimate his demands with compulsory labour. The first expedient adopted was to employ hired labourers with the money received from the tenants, but subsequently this ceased to be practicable. The high price of labour is usually attributed to the Black Death, but this overlooks the fact that wages had been rising for a generation before the plague swept over England. At the manor of Great Tew in Essex ² the tenant paid a penny a piece for autumn works and a halfpenny for winter works, while the labourer who supplied his place received three halfpence; and during the reign of Edward II. wages rose 20 per cent ³. Owing to this upward movement, due to earlier pestilence, the pecuniary compensation obtained by the husbandman was already disproportionate to the true value of the services which were exacted. Hence the great pestilence only intensified, but did not originate the economic crisis, for the altered equilibrium of the labour market had already begun to produce its effects. Admittedly, however, the Black Death accelerated enormously the course of events, and altogether wages rose 50 per cent. The landlords endeavoured to cope with the new situation ⁴ which had arisen by a recourse to legislation. The Ordinance of Labourers was issued in 1351, and was supplemented by the Statute of Labourers in 1352. The preamble of the Ordinance recited that "because a great part of the people, and especially of workmen and servants, lately died of the pestilence, many seeing the necessity

¹ *Feudal Society*, p. 11. Services estimated at Dymchurch in 1200: 1000 (say 800.) *Low-Quintile Review* ix, 361.

² W. Dutton, *England in the Fifteenth Century* (1882), iv, 10-11.

³ *English Agriculture and Farm*, p. 101.

⁴ Dutton (*op. cit.* iv, 11, n. 2) holds that the Statute of Labourers "was not framed to meet any demand made by the labourers on account of the pestilence. The movement could hardly have been left to itself." But the Black Death began August 1348, and the Ordinance was issued in June 1351, separated at nearly a year, which was quite sufficient. Compare also the preamble of the Ordinance, which makes it clear that the Black Death was responsible for the new legislation.

of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living." Accordingly all able-bodied men and women, free and bond, without definite means of support, were to accept service at the old rates of payment and remain in their master's employment until their contract of service had expired.¹ The able-bodied were not to be given ale, and butchers, fishmongers and bakers were bidden to sell provisions at reasonable prices and content themselves with moderate gain.² These labour laws have been the subject of much conflicting interpretation, and we have to determine how far they were effective in keeping down wages, how far they were equitable, and in what ways they affected or modified the development of manorial institutions. Most writers³ are agreed that the Statute of Labourers completely failed; even contemporaries⁴ assert that "little good or none it did". The labourers, observes Knighton⁵, were so wilful and elated at their good fortune, that they turned a deaf ear to the royal mandate and refused to work except upon their own terms. But it is far from certain that this view can be maintained. In the first place the government adopted definite measures to prevent the statute from becoming a dead letter. A new office was instituted and justices of labourers⁶, afterwards merged into justices of the peace, were appointed by the Crown to regulate wages and prices throughout the country. Their zealous and active administration could scarcely have been altogether ineffective, and it is legitimate to suppose that without their efforts wages would have risen still higher. For a time, at any rate when the crisis was most acute, they must have served to some degree,

¹ Statute, § 100. The Statute of 1351 (*Stat. 1. 30*) was not a mere re-enactment of the earlier Ordinance, but tried to define the wages of labourers and artisans. Cf. *Writs & Customs*, "Medieval Institutions", on *Medieval constitutionally defined wages*, par. 5. Statute (1351) at 100 (s. 1), compares the French Ordinance (1329) issued against the rise of wages after the Black Death.

² *Spelman's Doctores* (2d ed.), no. 3621: 362. The Ordinance in Rymer is wrongly dated 1350.

³ E.g. G. M. Trevelyan, *England in the Age of Wycliffe* (1909), 181.

⁴ *Chronicle of London in Building*, 113.

⁵ *Chronicle*, ii. 62.

⁶ *Palmer, Statutes of Labourers*, part 1, c. 1, m. 1 and 2.

as our evidence shows⁴, to check the rise in wages. This would explain the hatred displayed towards the peasants by the magnates in the Peasants' Revolt. Ultimately wages are said to have risen 50 per cent⁵, for, as we have shown, the rivalry of the landlords foiled all attempts to keep wages down permanently to the old level. The Statute of Labourers failed in fact because two masters were running after one man.

The moral questions involved in this labour legislation are still more difficult to resolve. It has been contended⁶ that the government was justified in its attempt to force labourers to accept the old rates, on the ground that the new rates showed such enormous increase. We must remember, however, that prices also were rising as a result of the plague, though the statement of the chronicler⁷ that "what in former times was worth a penny now was worth four or five times as much", if credible, can only refer to the immediate effects of the pestilence. This rise in prices is commonly attributed⁸ to Edward III's issue of new coinage, in which the weight of the currency was reduced from 22½ grains to 28, but two things should be considered. In the first place, the depreciation of the coinage must not be regarded as an issue of base money from motives of capacity; it was due to the wear and tear of the coins in circulation. The government was not strong enough financially to restore the currency to its former standard of weight, and adopted the alternative policy of lowering the standard of the new coinage to the level of the old. It sought in this way to cause the mint price of bullion to correspond with its value in the circulating money, and so encourage owners of bullion to bring it to the mint⁹. Secondly, there appears no reason to

⁴ In 1351 a plague-year at Tottlingham resulted in a year's loss following the Black Death to get 120. In 1350, as a result of the outbreak, the wages fell to 7s., *The History of Tottlingham*, 2, 80. There is similar evidence for Tottlingham. *The History of Tottlingham*, 2, 122-123, there is a list of those imposed on labourers and artisans for outstripping the statute regulating wages of other persons, pp. 122, 123.

⁵ *English Agriculture and Peasants*, 1, 101, 117.

⁶ *Peasants*, pp. 101, 117.

⁷ *Chronicle of Tottlingham*, 2, 80.

⁸ *Tottlingham, Growth of English Industry*, 1, 122, 123-4.

⁹ A. Haggis, C. G. Group and C. Johnson, "The Debasement of the Coinage under Edward III", in *Economic Journal*, 102, 197, 198, W. A. Rorer, *History of Coinage* (1922), 47.

connect Edward's monetary changes with the rise in wages and prices. The mint of the new currency was made in June 1352¹, whereas the Ordinance of Labourers was published in June 1351², and the Statute of Labourers in February 1351³, that is, before the inflation was effected in the coinage. In any case, however, prices did not remain constant, and while the government certainly did order that prices should be 'reasonable', the term was elastic and would be variously interpreted. Again it was equally to the advantage of employers that prices should remain stationary. The act, moreover, fixed the maximum but not a minimum wage⁴. On the whole, then, the Statute of Labourers must be regarded as a one-sided piece of legislation, an unfair exercise of political power in the interests of a single class of the community. It is to be condemned because the government only sought to interfere with wages at the moment when the labourers were endeavouring to improve their economic and social position.

The effect of the Statute of Labourers upon villeinage is also disputed. One writer holds that the labour legislation weakened the dependence of the bondman on the manorial court and helped to transform the legal relation between the lord and his servile tenants. "The legal category of free and bond dissolved itself", according to this view, "into the modern economic category of employer and employed"⁵. But it would seem that the power of the lord over his tenants was not materially impaired, for whenever need arose, he still retained the right to reclaim his villeins from the service of a stranger even before their contract of employment expired⁶. Hence there appears no ground for the opinion that the labour laws struck a very heavy blow at villeinage, or contributed in any marked degree to the disintegration of the manorial system.

See *The Labourers' Statute of 1351*.

Apart from all speculations as to their equity, their

¹ *Monetary Journal* vii. 192.

² *Close Rolls*, 1350-1351, p. 82.

³ *Stat. Parl.* ii. 113.

⁴ The labourers were to take the value in wages before the Black Death, but fixed the maximum at a time when prices were rising, while the lords were still free to demand wages at maximum levels.

⁵ A. J. A. Brown, in *Trans. Royal Hist. Soc.* N.S. viii. 152-153, and *English Hist. Review* xvi. 316.

⁶ *Statutes of Labourers*, 100-101.

of these
regulations
were...

effectiveness and their influence upon the master, interest attaches to the labour laws on other grounds. They represented the first serious effort on the part of the central government to regulate the labour conditions of the country as a whole, and the question arises how far the attempt embodied new principles. The intervention of the state in the economic life of the realm had ample precedent in the series of laws and acts which applied to the whole kingdom.¹ These statutes, it is true, were executed in local courts as a normal function of municipal activity, while justices of labourers were expressly instituted for the purpose of the new legislation. But even "the establishment of this separate set of crown-appointed officials" to administer the Ordinance and the Statute of Labourers had its precedent and parallel in the *schuyagen*, who had been appointed by the Crown half a century earlier as national officials to carry out the Assize of Cloth.² Again, the enforcement at law of statutory contracts constituted no new departure from recognised usage, for contracts had previously been enforced in local courts.³ In two respects, however, the enactments of 1349 and 1351 apparently contained innovations.⁴ In the first place, while the wages of artisans had been previously regulated by the municipal or guild authorities⁵ even in the thirteenth century, the wages of agricultural labourers had hitherto been determined only by custom. Secondly, the provisions by which all labourers could be forced to accept work at legal rates, and might not hire abroad in quest of better conditions, restrained the freedom of labour. For the first time they controlled the movements of the free labourers, who in contrast to the villan *adscriptus* glades had enjoyed in the past the right of free men to go whither they would.

11 About
the end of
the century.

The first expedient devised by the landlords, the recourse to legal compulsion, thus proved in the long run a failure. Wages did not fall to their old level, and for the new rates

¹ *Ibid.*, p. 100.

² Miss Fawcett in her valuable monograph (pp. 122, 123) appears to have overlooked the *schuyagen* (*Ibid.*, p. 104) who served to establish a precedent for state-appointed officials.

³ *Feudalism*, *op. cit.* 122-123. Compare the ordinance at Northampton, that servants who wilfully left their masters shall be attached (*Records of Northampton [1242]* : 171). ⁴ *Feudalism*, *op. cit.* 122-123, 127. ⁵ *Ibid.*, p. 100.

of wages the copyhold rents paid by the customary tenants on their estates were no longer adequate. The important result followed that the lords were no longer able with profit to retain their arable demesne in their own hands, and began to lease it out to tenants. The system of leasehold tenements did not originate with the Black Death, but it received a great impetus as the result of forces which the pestilence set in motion. The historian of the Berkeley family has described how Thomas, lord of Berkeley, began to lease his land after the resurrection of 1350, a practice extended under his successor in the following century and imitated by "all other great lords of manors almost throughout the whole kingdom"¹. The medieval organization of labour had, in fact, almost completely broken down, and with it the system by which the owner of the soil was also a farmer. The spread of commutation and the extraordinary rise in wages forced the lord of the manor to abandon the direct exploitation of his estate and to alienate the demesne, content henceforth to draw his income, not from the diminished profits of half-ill-farming, but from the rents of his tenants. At first the lord provided not only the land, but also the seed-own and stock. This removed an obstacle which in the thirteenth century most frequently have deterred tenants from renting portions of the demesne, the difficulty of stocking the new land. But even the system of stock-and-land leases is older than the fourteenth century. An example may be found as early as 1279 where a manor was leased to the tenants, "and at the end of the seven years they shall render to us the aforesaid manor with the stock with which they received it. Also they shall give back the land well ploughed twice"². This system of land-holding, known as the stock-and-land lease³, subsequently developed into the modern system by which the lord furnishes only the land and the buildings, and the tenant the stock and capital. As a rule the demesne, instead of

¹ *Mediaeval Lives of the Berkeleys*, ii, 3-4.

² *English Economic History, Select Documents*, ed. A. E. Hall, P. A. Brown & H. Tawney, 1924, 10. For an example of a different form, see *The First County West. Berkeleys*, i, 102.

³ *English Agriculture and Agrarian*, i, 21, 17-1-2.

being cut up into separate tenements, preserved its unity and distinctive features, being frequently rented by a single tenant as one large farm. The monastery of Battle in Sussex owned twenty-two manors; in thirteen the demesne was let to one tenant, in another to two, and in a third to three.¹ The tenants of the demesne were, in fact, distinguished from the rest of the tenants in three ways. In the first place their holdings were usually much larger than other tenements. Again they were held on a different tenure, leasehold for a term of years, and not bushhold, copyhold, or tenure at will. Lastly their rents were often paid in kind, corn and hay and poultry, and not in money.² The explanation appears to be that, while the lords were content to receive money payments from the rest of their tenants, they still clung to the thought that the demesne ought to furnish them with food for their household. Rents in kind thus continued, even in the sixteenth century, as a survival of the old manorial economy in which the cultivation of the demesne was carried on by husband-farming, and the estate was largely self-sufficing.

Tenant
Demesne

In this way the lord solved the problem of cultivating the demesne by renting it to tenants, who were in a more favoured position for carrying on cultivation. With the maintenance of their household they could provide a large amount of the labour, they were spared the cost of maintaining a staff of manorial officials, and seeking immediate returns on their outlay, they were able to reduce the expenses of farming. Thus land was henceforth held on a new tenure, no longer by labour dues, but by money rents for a term of years. Once the new conditions of land-holding had become general, there was no longer any need to demand personal services from the holders of land in villages—and commutation followed as a matter of course. The demesne henceforth ceased to be the nucleus round which the peasant holdings were clustered in a condition of economic dependency. On the manner of Wilburton³ the lease of the demesne,

¹ *Survey of English Manors*, 233. One was assigned to a house farm. For small demesne tenements see H. H. Gregory, *Agricultural Problems* (1920) 204.

² *Survey of 1534*, 215. One source explains the land-tenants' rents from cultivated crops as the sixteenth century—Robert Cressy on the New Chamber (1610) 202. *Proc. Soc. Econ. Hist.* 1920, 117. ³ *English Social History*, 12, 413.

comprising 245 acres of arable and 42 of meadows, to a farmer for a term of years at a rent of eight pounds was followed by the commutation of all the labour services due from tenants on the estate. On the monastic estates¹, however, husband-farming continued to survive more often, and at the time of the dissolution of the monasteries the manors were still furnishing their own demesnes on an extensive scale. But elsewhere the cultivation of the soil passed out of the hands of the owners, and the break-up of the demesne paved the way for the formation of a numerous and widely spread class of small peasant proprietors and tenant farmers—the yeomen of England.

We have now to determine the place occupied by the Peasants' Revolt in the break-up of the manorial system. It was the first great struggle between capital and labour, and has been justly described as "one of the most significant and interesting events in the whole of mediæval history"². Attention has been drawn to the fact that the causes of the rising have been largely misconceived. It has been wrongly assumed that the performance of profligate services had become utterly obsolete at the time of the Black Death, and that the insurrection sprang from an attempt on the part of the lords to force the villeins back to the old system of labour dues which they had been allowed to redeem. But we have seen conclusive evidence that the exaction of work-week was still the general practice on many manors. Indeed, one of the remarkable features of the rebellion was the support lent by the country gentlemen, while the principal leader in Norfolk was a knight, Sir Roger Bacon.³ Their sympathy, however, was perhaps inspired by a belief which obtained currency among the magnates, that the king's party was not unfavourable to the revolt and wished to use the popular discontent as a lever to overthrow John of Gaunt.⁴ Moreover, one of the chief results of the insurrection

the
Peasants'
Revolt

¹ *Survey of 1231*, 123.

² *Four Centuries: A History constitutionally*, 12, 13.

³ *St. Francis, The Rising in East Angles* (1896), 3, 10.

⁴ Richard III. had no more a proclamation declaring that he favoured the insurrection. *A Chronicle of London from 1191-1539* (1893), App. 222.

was Kent, where "there was no villenage"¹, though of course some labour services were exacted from the tenants. It was in fact a rising, not only of villeins, but of freemen, for tradesmen, artisans, the lower clergy and the free laborers were also² implicated in the movement. The revolt had a political as well as an economic aspect, and one cause of the unrest was the unpopularity of the king's ministers, who had failed to check the pillaging of Scotsmen in the north and the raids of Frenchmen in the south, and had estranged so ingloriously from their foreign wars. Two measures of the government, which was identified in the popular imagination with the party of the landlords, in particular evoked a storm of popular hatred. The Statute of Labourers aroused passionate resentment among the rural classes whose wages it sought to depress. This was shown in the execution of Sir John Cavendish, Chief Justice of the King's Bench who administered the act in Suffolk and Essex³. Profound discontent was also stirred by the imposition of a poll-tax in 1381. On two previous occasions in 1377 and 1379 taxes had been levied for the purposes of the French war, but the contributions exacted from the poorer classes had not exceeded one groat, that is fourpence per head of the population. But in 1381 three groats, a sum equivalent to a week's wages, were demanded of every person over fifteen years of age, and the incidence of the tax also fell unequally⁴. The poor were driven to take refuge in fraud, and gave false returns as to the numbers in their households. In Lincoln 1200 persons escaped contribution, in London 3000, while in Suffolk no less than 27,000 names were at first suppressed. Altogether more than one-third of those who paid the tax in 1377 evaded the tax in 1381. Between 1377 and 1381 the population of England as given by the returns for the Lay Poll Taxes appeared to have fallen from 1,333,000 to 896,452 persons, including the counties of Cheshire, Durham and Non-

¹ Stubbs, p. 30.

² Cf. Prynne, *Continuatio, sive Continuatio de Rebus Anglicanis et Angliarum* in 1576 (1590), pp. viii-ix also.

³ Prynne, *op. cit.* 12.

⁴ The rich were refused to help the poor to pay their tax, but in a great many villages, there were no rich men, and the whole burden fell upon the poor - thus the distribution of the tax over the different localities was unequal. Cf. Census, *The Great Census of 1381* (1906), ch. viii.

month.¹ But to appreciate the full significance of these figures we must add that the total for 1581 represent the returns as afterwards returned by the commissioners. The original returns for 1581 made by the first collectors have not been printed: without question they would reveal a still more striking disparity between the years 1577 and 1581. This is proved by the figures for Suffolk: the number assessed in 1577 was 58,670 and the revised number for 1581 was 44,625, but the first return for the latter year was 31,734, thus disclosing an original difference of nearly 27,000.² The government, which had been troubled on a broad scale, appointed commissioners to institute an inquiry and inflict penalties on defaulters. The undertaking was hazardous in view of the large numbers incriminated; it proved to be the spark which set the whole country in a conflagration.

Apart from political grievances, social unrest was the dominant note of the age. The economic crisis weakened the popular attachment to custom and tradition, and left the minds of men disturbed and inflamed, eagerly receptive of the doctrines which Ball and his fellow-preachers were spreading through the land. Wycliffe, who leaned on the support of the aristocratic faction and taught that temporal lords had a right to their property, was not responsible for the outbreak, and the insurgents did not advance hysterical views.³ But the spirit of his teaching and the denunciation of ecclesiastical abuses were extended by his disciples, not only to the religious, but to the social world around them. The movement brought together all the elements of dissatisfaction, and furnished a rallying-point for all who were stirred by revolutionary fervour or had grievances to redress. At Cambridge the bells of St. Mary's roused the townsmen to the Gallieshall, whence they made their way to Corpus Christi College; and, after racking it, proceeded to burn the University records crying, "Away with the learning of books, away with it!"⁴ The University

¹ Howell, *op. cit.* App. 120.

² *Ibid.* 121.

³ These views were rehabilitated. Trevelyan, *England in the Age of Wycliffe*, 100-102. *Pratt-Butcher, Medieval Socialism*, 100-101. "We may compare the Peasants' War in Germany."

⁴ *The First 100 Years*, C. J. Cope, *Studies of Cambridge* (1891), 1, 200-201.

were forced to renounce the privileges conferred upon it by royal favour and to acknowledge the supremacy of the town reeve. At St. Albans and Bury St. Edmunds the part-rye hatred of the inhabitants, whose souls were stored with memories of past wrongs, broke out afresh in violent attacks upon the Abbey gates.¹

Continued
of the
villains

On their part the villains, too, were by no means indifferent to the general unrest. It is necessary to try and understand as clearly as we can the character of their grievances and the nature of their demands. It is now generally held that the lords made no attempt to exact labour services from villains who had been allowed before the Black Death to commute their obligations for payments in money. This view is a reaction against the opinion of Thorold Rogers that the fundamental cause of the Peasants' Revolt was the attempt to revive obligations which had become obsolete. But the reaction has been carried too far, and would suggest that the nature of the changes which were taking place during the first half of the fourteenth century has been imperfectly appreciated. The extent of commutation varied in each manor from year to year, but while the process was irregular many villains must have found no difficulty in commutating most of their services, renewing their annual bargain with the lord as a matter of course. The incidence, it is true, entered into a permanent arrangement to pay rent in lieu of labour dues, and it is improbable that the lord tried to reverse the contract which he had made with them. But other villains, who had come to regard the commutation of their services as a mere formal procedure which they repeated year after year, would suddenly find the lord no longer willing to allow commutation if he could avoid it. It is at any rate quite certain that the number of works sold upon the manor was often diminished, rather than increased, in the years which followed the Black Death.² The lord had every motive to check the process of commutation, and villains who had obtained practical immunity from predial service might very well find themselves once again reduced to work upon the lord's demesne. There might be no violation of legal

¹ *Ibid.*, p. 174 seq.

² *Ibid.*, p. 17; *Tables C and D.*

rights, but the hardship would be none the less severely felt. Everything indeed points to the conclusion that the lords were making all possible effort to cope with the new situation, and secure the necessary amount of labour on their estates. The bishop of Winchester was lord of the manor of Weymouth in Dorsetshire. He created a bondman of the manor who was dwelling at Waltham, and sought to compel him to do service with him (1332); the bondman refused and broke the arrest¹. This case was probably typical of many, and if the attempt to restore the customary system in cases where it was practically, though not technically, abandoned was at all general, it would explain one element in the dissatisfaction which found vent in the Peasants' Revolt.

On the other hand, we must not drift into the opposite error, and suppose that the majority of villains had managed to emancipate themselves from serfdom before the Black Death. The tables given above² seem to prove that, in certain parts of England at any rate, the greater number were rendering actual labour on the eve of the pestilence. Their part in the insurrection may be explained by their desire to shake off the shackles of bondage, which appeared all the more insupportable when contrasted with the prosperity of the free labourers. The revolt afforded them a unique opportunity to make a bid for freedom, and in Cambridgeshire a leader of the revolt rode up and down the county calling upon all men to release their services to their lords³. The great mass of the villains were discontented, not because the lords had tried by coercion to make their obligations heavier, but because circumstances had rendered them less compliant and submissive. Indeed, the root of the trouble was not that the lot of the rural labourers had grown steadily worse, but that in various ways it had grown steadily better. The formidable and widespread organization of the insurgents indicates clearly enough that it was not the last despairing effort of a down-trodden peasantry; it was rather the outcome of social changes which by improving the condition of the labourer had made him more impatient of the

*Notice
of their
freedom.*

¹ *Patent Rolls, 1330-1332*, p. 300.

² *Ibidem*, p. 30.

³ *Forest: History and Social Aspects*, 40.

antiquated servitude of a worn-out manorial system. The Peasants' Revolt was in no sense of the term co-ordinated, and the proposals which inspired it were practical to the extreme—the abolition of personal servitude and the compensation of labour done for a fixed rent of fourpence an acre.

It is important to observe that even before 1381 the villeins were refusing their services and forming confederacies.¹ The court rolls foreshadow the approaching storm. At Colnhill (Berks.)² in 1377 the tenants were clearly ripe for insurrection: one was refusing to perform his services, another detained labourers at their work, a third was gone from the land, a fourth neglected his carriage duties and left the hay lying on the ground all spoilt. A statute of 1377 states that "villeins and land-tenants in villages who owe services and customs to their lords . . . do daily withdraw their services . . . by colour of certain exemptions made out of the Book of Domesday", in virtue of which "they claim them to be quite and utterly discharged of all manner servage . . . and, which more is, gather themselves together in great riots and agree by such confederacy that every one shall aid other to resist their lords with strong hand".³ But the attempt on the part of villeins to escape from bondage on the ground that their services were not recorded in Domesday Book was older than the Black Death. In 1346 the men of Aisle contended that their manor was of Ancient Demesne, and remained the subject of Tinturns before the judges of the bench to answer whosoever he exacted from them customs and services other than they ought to do, or had been done by their ancestors when the manor was in the king's hands. To this the sheriff rejoined that he ought not to answer since the men were his villeins. Domesday Book was therefore searched, and showed that Aisle was not of Ancient Demesne on the day that King Edward was alive and dead, and the plaintiffs were therefore "in mercy" for their false claim.⁴

¹ *Robert Bell's* 1377-1381, p. 177—the incidents at Horsham entered the services due to the Bishop of Winchester (1378).

² *West. County Hist. Berkshire*, ii. 119.

³ *Statutes*, ii. 7.

⁴ *Robert Bell's*, 1315-1326, p. 101. Another example is 1318. *South-west. Hist. Rec.* (ed. F. W. Hargrave, 1876), 20. No. 1717.

what
amount of
service
before
1381.

The concessions extorted from the government by the insurgents of 1381 were revoked the moment the revolt was at an end. A statute of 1382 created that "all manner customs, services, obligations, releases and other bonds made by compulsion . . . in the time of this last manner and riot against the laws of the land and good faith shall be wholly annulled and holden for void."¹ The following year it was added that copies "of inclosures of deeds destroyed in the rising should be of the same force as the originals."² But in spite of reactionary legislation, "the results of the rising" it has been said "were of marked importance", for the villans "had struck a vital blow at villeinage. The landlords gave up the practice of demanding base services."³ But there are no real grounds for assuming that the insurrection accelerated the disappearance of villeinage on any large scale, or materially affected the current of economic progress. The life of the manor did not as a rule undergo any immediate transformation, and instances like the manor of Bray in Berkshire⁴, where the commutation of services at once followed the Revolt, appear to be exceptional. The lords continued to exact predial services and the villans continued to farm considerations in resistance; the former were not intimidated, and the latter were not crushed. We still continue to read in the court rolls how tenants were fined because they came not to plough their lord's lands when summoned, and would not come to reap.⁵ In 1385 the bondsmen of Leighton⁶ in Huntingdonshire, and again in 1386 the bondsmen of Rough Leith⁷ in Suffolk, withdrew their customary services, organised a union, and bound themselves by oath to resist their masters; and there are many other examples. These agricultural unions, of which we obtain fleeting and all-insufficient glimpses, were the counterpart among rural labourers of journeymen guilds, or industrial unions, in the towns. In 1394 the villans and tenants in villeinage at

¹ Statute 1382.

² *Ibid.* 1383.

³ *English Constitutional History*, v. 485. Similarly *English Agriculture and Peasants*, p. 2.

⁴ *West. County Hist. Berkshire*, v. 190.

⁵ *Labour Cases in the Court of Requests*, 125, 30 (Hilbert's Register).

⁶ *Parish Rolls, 1385-1386*, p. 44.

⁷ *Ibid.* p. 42.

Peasants¹ did "long and rebelliously" refuse their customs and services, and leagueed together in opposition to the lord, "besides doing other unseemable evils". Nor did the struggle between the lords and the villagers pass away with the opening of the new century. It continued into the Lancastrian era, and we can trace it on masons' in Essex and elsewhere at least as late as 1296². Thus the Peasants' Revolt was not an isolated episode, but only an example on a larger scale of occurrences which were taking place in many parts of the country both before and after the insurrection. It has attracted attention because it was more dramatic, more widespread, and more violent, but we need not minimise its importance to recognise that its true significance is liable to be misinterpreted. In the light of the evidence we have cited, it is clear that the struggle between the landlords and the peasantry was protracted for at least two generations beyond the Peasants' Rising, and that the revolt itself was but one symptom of a malady which continued to afflict rural society until villages completely disappeared. The end of villages in England was not due, then, to the Peasants' Revolt. The system of villenage tenures died out, in reality, as the result of economic changes which were already at work before 1381, and continued in operation long after the insurrection had run its course. The dislocation which followed the Black Death foiled all attempts to reconstitute on a stable and permanent basis the old manorial order, and the alienation of the demesne or its conversion into a sheep-run were the real forces which dissolved the economic fabric of medieval villages.

The abolition of villenage as a tenure prepared the way for its abolition as a status. When serfdom labour ceased

¹ *Peasant Revolt, 1381-1382*, p. 209. The Peasant Poem for Richard II. is a single stanza from a collection which the masons in which the villenage conditions their services and customs formed leagues. Vol. 1381-1382 pp. 274-275, 284, 1380-1381, 249, 247 (1380), Vol. 1381-1382, pp. 20 (1381), 217, 201-11200. Vol. 1381-1382, pp. 204 (1382), 206, 205 (1382). Vol. 1381-1382, pp. 24 (1382), 206 (1382), 204 (1382), 207, 207 (1382).

² Vol. 1381-1382, pp. 274, 206, 207. Fragmentary of the medieval order of nature from the mason of Woodstock continues from 1381 to 1382. *Anglo-Saxon Chronicle*, II, p. 202. An bill in 1285 an attempt was made to bring back free landowners to High Kent. *For County (1285-1286)*, p. 247.

to be the basis of the manorial system, the legal aspect of villenage lost in a large measure its practical importance. Technically the serf obtained emancipation only by formal manumission, but the fundamental cause of the disappearance of bondages was not legal but economic. Emancipation from labour service brought in its wake legal security and an improved status, and emancipation by destroying the economic foundations of villenage became a powerful lever in the enfranchisement of the English peasantry. It transformed the relations between the lord and his tenants, substituted contract for custom, and merged the villen into the freeman. The distinctive marks of bondages were obliterated as the result of a gradual economic revolution, which turned labour dues into money rents. It would be a mistake, however, to assume that the break-up of manorial husbandry and the commutation of personal service straightway conferred rights of freedom upon the serf; legally his status remained unchanged. Personal servitude survived the decay of economic servitude, and was not destroyed either by the Black Death or the Peasants' Revolt. Nevertheless bondages gradually disappeared and ceased to be numbered, both in name and in fact, among the social institutions of England. In the first place the disorder produced by the great plague favored the unaction of freedom, and the flight of the villens at this period, and subsequently, disposed large numbers of the manorial population¹. In this way there was to all appearance a substantial decrease in the number of bondmen during the fourteenth century. In the second place the dissolution of the manorial system relaxed the lord's grasp on his subjects, afforded them immunity from control, and so enlarged the avenues of escape. Henceforth even in the absence of legal forms, it was rendered comparatively easy to shake off the shackles of bondages and obtain freedom by prescription. The memory of their original servitude died out when labour services, the outward sign and primary purpose of their subjection, were no longer exacted from them. It would be difficult to prove their servile status, since the mortality of the Black Death had

*Removal of
villens from
the manor.*

¹ *Ibid.*, p. 22.

caused a breach of continuity in the life of the manor, in the evidence of its rolls and the testimony of its officials.

None the less serfdom lasted through the fifteenth and sixteenth centuries, and while the mass of customary tenants obtained emancipation, there were still large numbers of bondmen in existence under the Tudors scattered over many counties. Some Elizabethan writers have denied this: "to denie there be", wrote Sir Thomas Smith¹, "that it is not almost worth the speaking". But sixty years earlier Fitzherbert had written in a different strain²: "In some places the bondmen continue as yet, the which are somewhat in the greatest inconvenience that now is suffered by the law". The House of Lords in 1537 rejected a bill for the manumission of villeins³, an indication that the plea advanced by the usurpators in 1549 was no idle utterance: "We pray that all bondmen may be made free"⁴. There is documentary evidence, surveys and court rolls and manorial accounts, in proof of sixteenth-century villeinage. It has been reckoned⁵ that they formed about 1 per cent of the whole population, and this estimate would imply that many thousands still remained in a condition of personal subjection. Henry VII. manumitted a number of villeins on his estates (1485), "because in the beginning nature made all men free, and afterwards the law of nations reduced some under the yoke of servitude"⁶. In 1500 there were still eight bond families on the manor of Farncott; in 1550 the number had dwindled to three, and by 1575 serfdom was here extinct⁷. Nor was the survival of villeinage a mere legal fiction, as is sometimes thought⁸, devoid of all practical signi-

¹ *De Republica Anglorum* (written in 1565), ed. L. Aldrich (1904), 130.

² *Surveyings* (ed. 1529), v. 100, p. 28.

³ A. Smith, "Bondmen under the Tudors", in *Trans. Royal Hist. Soc.* N. S. 20-1, 120.

⁴ F. W. Kemble, *Ess. i. Antiquities in England* (1856), 32.

⁵ *Surveyings* op. cit. 104. See also H. E. Hallam, "Bondmen in Henry under the Tudors", in *Trans. Royal Hist. Soc.* N. S. 100, 121.

⁶ *The Reign of Henry VII.—Some Contemporary Documents* (ed. A. B. Hallward, 1904), p. 121. The failure of Christopher manumitted bondmen in 1520 (*Hist. MSS. Comm., Foreign Collections* 1, 194).

⁷ *Trans. Royal Hist. Soc.* N. S. 100, 121, 122, 123, 124.

⁸ It is far from being the case that manumissions "were at very few points in the centuries from an spontaneous application". *Ibid.*, *The Manor and Manorial Economy*, 66.

tenants. The peculiarity of the villen's condition consisted no longer in the obligation to endure labour, but in the liability to be taxed arbitrarily at the lord's will, and to pay certain fees and dues from which freemen were exempted. A bondman of Castle Combe¹, William Hayne, who had accumulated considerable wealth as a clothier, was forced to pay fees for marrying his daughters, and after his death heavy exactions were repeatedly extorted from his widow before she was allowed to retain undisturbed possession of his goods. Altogether his family was mulcted of over two hundred and forty pounds within a generation; and from another the earl of Bath² seized goods worth four hundred pounds. The bondmen were often in fact men of substantial position who were too wealthy to be allowed maintenance. A mayor of Bristol was claimed as a serf, and in 1346 the privy council intervened on his behalf. A letter was sent to Lord Strafford "that his lordship forbear to offer any violence or other molestation unto R. Cole, mayor of the city of Bristol, and T. Cole his brother, by seeking to disturb them in their trade and to seize their bodies upon pretence of challenging them to be his lordship's bondmen, seeing they offer to answer his lordship in law, and that their lordships think it requisite that a principal officer of such a place and his brethren, having been both themselves and their ancestors heretofore reputed freemen, should not be so hardly dealt with upon any suspicion"³. Maintenance especially was a source of profit, and the heavy price sometimes paid for amercement would seem to show that serfdom was still attended by serious disabilities, immunity from which was worth considerable sacrifice. One of the bondmen on Fortescott manor⁴ appears to have paid no less than a hundred and twenty pounds for maintenance, and Elizabeth granted patents to her courtiers empowering them to enfranchise a number of villains on the Crown lands as a means of raising

¹ C. Peck's *Scrap-Book of Castle Combe* (1832), 113 (see also Vol. VI).

² *Notes Cases on the Court of Requests*, 40, et. seq. 41.

³ *Ibid.*, 47, 48, 49.

⁴ *Trans. Royal Hist. Soc. N. S.*, ser. 134.

money¹. Personal wealth had thus survived only as an instrument of ostentation. It had lost all economic significance the moment it ceased to be the basis of compulsory labour and the keystone of medieval husbandry.

¹ I. B. London, 'The Last Days of Feudalism in England', in *Econ. Quarterly Review* XL (1911).

CHAPTER IV

THE AGRARIAN REVOLUTION

During the two hundred years that lie between the end of the thirteenth and the opening of the sixteenth century English rural society, even apart from the disintegration of the manor, had not stood still. One great change was slowly breaking down the rigid uniformity of the old agrarian arrangements and transforming the characteristic features of the open field system of husbandry. This was the concentration of landed property in the hands of fewer persons. In the thirteenth century the typical peasant holding had been the yardland of thirty acres, and the pressure of manorial obligations had combined with economic forces to maintain severely intact the general regularity of the virgin system. But after the Black Death the conservatism of manorial life was gradually relaxed by a growing economic individualism which undermined the very basis of the village community, destroying the primitive equality of the original shareholders in the common fields. One or two examples will serve to illustrate the new economic tendencies, which were already bringing about a different order of society long before they were enormously accelerated by the social upheaval of the sixteenth century. In 1432 the manor of Wotton in Surrey¹ included one tenant with twenty-four acres, three with sixteen, two with fifteen, and others with ten, eight, six five, and two acres respectively. These holdings show traces of the original allotment of arable acres, which was now fast disappearing under the disintegrating influences of an incipient capitalism. Again in 1525 Aspley Grove² contained forty customary tenants each

*The growth
of large
farms*

¹ *Towney Agrarian England*, 82.

² *Ibid.* 12.

with half a virgate, in 1548 these tenants still occupied a half virgate, and there were one holder of thirty acres, two of sixty, and three of seventy-five. This is an excellent instance of the growth of large farms out of consolidated tenements, and on a Dorsetshire manor¹ we find one villain holding a hide and four others with half a hide each. But often the process of formation was more irregular, and the outlines of the original holding were completely obliterated.

These
changes and
adjustments

We can easily picture to ourselves the methods by which capitalist enterprise was building up larger tenancies. The commercialization of labour services destroyed the lord's interest in preserving the uniformity of the villain holding, and weakened irreparably the influence which had maintained practical equality among the members of the different strata of manorial population. Once original peasant was removed, the competitive instinct inherent in the human spirit manifested itself with greater ease, commercial forces were brought into play, and the most varied economic conditions made their appearance. As an immediate consequence of the Black Death a large number of holdings had reverted to the lord of the manor, and in a great multitude of cases they must have been taken over by the surviving tenants. The alienation of the demesne and encroachment upon the waste afforded renewed opportunities to the enterprising farmer, and enabled well-to-do tenants to extend the size of their holdings. At the same time a land-market² was developed among the village landholders themselves. The desire to combine unity of management with unity of ownership impelled many peasants to consolidate their strips, buy out the holdings of their impoverished neighbours, and amalgamate their new acquisitions with their old. Thus side by side with the disintegration of the manorial system went the gradual substitution of large farms for small, as the outcome of a tentative capitalist regime. The dissolving forces of commercialization relaxed the rigidity of medieval land tenure and opened

¹ *West County Hist. Dorsetshire*, ii. 292.

² Cf. Thorpe *op. cit.* part i. c. 2, *English Hist. Review* vol. 25.

the door to more elastic arrangements. Land became a commodity which passed from hand to hand, could be bought and sold and exchanged. It is true that these tendencies were at work in earlier times. Already in the thirteenth century they had destroyed the uniformity of the freehold tenements, and were fast turning into a transparent fiction the apparent uniformity of the villen tenements.¹ As early as 1199 a tenant on the estates of St. Paul's, whose ancestor in 1100 occupied a single virgate, had accumulated eight or ten tenements², and in an Essex manor at the opening of the fourteenth century (1312) the villans were exchanging and combining together two or more farms.³ But the movement gathered increasing momentum during the course of the fifteenth century, and it is impossible not to connect its progress with the great pestilence. Nothing less than some violent external shock would have sufficed to disturb the deep-rooted stability of mediæval rural society. However this may be, the net result of a century and a half of change seems to have been to accumulate land in fewer hands, to develop a class of prosperous tenants, and to produce a growing inequality in the disposition of landed estates. In place of the normal villen holding to which the average tenant had once conformed, appeared an endless variety ranging in size from a handful of acres to many scores. The social equality originally impressed upon each manorial group—the *villagers*, the *semi-villagers* and the *cottagers*, was superseded by an ever-widening inequality. It was left for a subsequent generation, the men of the sixteenth century, to appreciate the full significance of these changes in the distribution of territorial property. The prosperous tenant who added one strip to another prepared the way for the large household farmer, the capitalist entrepreneur, who amalgamated one holding with another. The piecemeal dealings of the primitive land-market afforded precedents for the conduct of transactions on a more extensive scale. Above all, the earlier movement facilitated the agrarian revolution by making a breach in the traditional arrange-

¹ *Ibid.* p. 14.

² *Ibid.*, *Donation of St. Paul's*, p. 17.

³ *English Hist. Review*, xxvii, 339.

ments of open field husbandry, through which the flood-tide of catastrophic changes would one day verify poets with unmitigated violence. It loosened the reaction of manorial systems, it weakened the authority of local law, it accustomed landlords and tenants to violate the immemorial practices of centuries when it best served their interests to do so. It was impossible to foresee that it opened the avenue to destitution as well as to prosperity, by taking from the tenants the one safeguard that could protect them in seasons of distress. An age was at hand in which landlords were to show themselves willing and ready to turn the situation to their own economic advantage, and the very causes which had promoted the welfare of the peasantry then proved the occasion of their undoing.

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meaning of
enclosure

The growth of large farms was, however, only one aspect of the agrarian changes with whose history we are concerned in the present chapter. Even more important was the process of enclosure, for this involved nothing less than the extinction of the village community itself. The term *enclosure* has been the source of much confusion, and it will be as well to explain at the outset the variety of meanings which it appears to have covered. It was applied to four distinct processes, and denoted the abolition of the system of intermingled ownership as a result of (i.) the consolidation of scattered strips into compact properties of arable kind permanently surrounded with hawthorn hedges, (ii.) the conversion of arable into pasture, (iii) the concentration (engrossing) of holdings, and (iv) the occupation of the common waste which destroyed or diminished rights of common, and so would tend to facilitate the disappearance of the strip system. All four processes converged in one and the same direction, involving the partial or complete disintegration of the open field system and the emancipation of the individual farmer from communal control. But in other respects their effects were widely dissimilar. It was a matter of extreme moment whether the disappearance of the common fields was due to conversion of arable or improved husbandry, and whether the extinction of the commons was accompanied by adequate compensation

to those whose interests were bound up with their preservation.

Of the movement towards large holdings during the thirteenth century we have already spoken¹, and the conversion of waste into pasture at the same period can best be treated in the section devoted to its consideration². But at this point we may remark how the two remaining processes identified with the enclosing movement were also anticipated before the thirteenth century. Alike on the part of the lord³ and his tenants, a practice had been steadily growing from the thirteenth century by which the owner of a scattered farm surrendered his disjointed strips in exchange for those of his neighbours, and so built up a compact property disentangled from communal restrictions. On the matter of *lockstep*⁴ in the time of Henry III. tenants were subdividing many of their own ancestral plots of land, while they sought the strips of others. The quantity of land in the occupation of the tenant remained undiminished, but his farm had become more consolidated. About the same period a great landowner, Lord Berkeley, was setting a similar example, enclosing his land in severalty and freeing it from rights of common and the open fields. He "reduced great quantities of ground into enclosures and severalty, by procuring many releases of common from freeholders wherein he bestowed much labour, and the like in exchange of grounds with them, some in greater, some in lesser quantities, some less than a quarter of an acre"⁵. The industry of his successors, who also carried out "exchanges of land . . . putting convenient parcels together", raised the value of the land, as it was said, from fourpence and sixpence an acre to eightpence⁶. In other cases, apparently, there was no redistribution of the strips or realignment of the soil, but the owner of a tenuous engaged

¹ *Ibid.* p. 115.

² *Ibid.* p. 126.

³ The view that the earlier enclosing movement "operated not on the side of the lord . . . but on the side of the peasants" (*Twelve, Agrarian Problem*, viii), agrees in conflict (i.) with the example cited before us by the Berkeley landowners, and (ii.) with the fact that the document was certainly more compact than the last held by tenants.

⁴ *The Courts of the English* i. 522.

⁵ *History, Letters of the Berkeleys*, i. 102.

⁶ *Ibid.* i. 102-103.

with his neighbours that they should waive their rights of common over his land in consideration of an annual payment.¹ It was natural that the shareholders in the common fields should enter into agreements to enclose their land, or to exchange their strips, or to exclude "commonable" cattle from pasturing on their soil. An example of enclosure by mutual consent is that of Woodston in 1245, where the lord and his tenants agreed that each one should possess his own close and should hedge it at his own expense.²

Enclosure
of the
waste

Even more familiar was the process by which portions of the open waste were enclosed, and held in separate and individual ownership. It was difficult under the best circumstances to interfere with the vested interests of the open field proprietors, and the waste constituted the reserve fund upon which the lord and the villagers could draw to satisfy the claims of a growing population and to meet the exigencies of a widening market. But the curtailment of the commons created a fertile source of controversy, and the Statute of Mortmain³ would seem to show that disputes over the appropriation of the waste had already begun to unsettle the even tenor of village life. In a deed dated 1271 the lord of Iton gave licence to William de Iton to enclose forty acres of waste, promising in a significant clause to indemnify him if any one who had rights of common hindered the enclosure.⁴ The examples we have cited serve to show that even before the Black Death economic influences were already undermining the open field system. A process of integration was at work, consolidating the scattered strips, curtailing the common waste, distributing the rights of common, disturbing the customary and immemorial routine of mediæval husbandry. But the consequences entailed by the break-up of the old manorial regime during the fourteenth and fifteenth centuries must have given an enormous impetus to the process of dislocation. For one thing, the displacement of the original tenantry enabled the lord, as occasion served, to throw the holdings together and build up a more compact estate. For

¹ *Excerpta egraphia Baronia, English Manuscripts*, 186.

² *English Charters*, II, p. 2802.

³ *Ibid.*, p. 75.

⁴ *Archæological Journal*, vol. 1, (1874), 32.

another thing, the spread of commutation, the increasing mobility of land, the unmet opportunities of acquiring and stiliing capital, produced a more vigorous and enterprising peasantry. It made innovation and change familiar to the daily thoughts and habits of the villagers. A new generation of tenants emerged, who questioned the lord's claims to exact the services of bondsmen, who appealed to an older tradition of freedom¹, and who raised the standard of revolt, formed unions, and for almost a century kept up an agrarian warfare. These men were less likely to submit with indifference to the crippling restrictions of the old communal methods.

How far the changes in the open field system had proceeded on the eve of the agrarian revolution we cannot even dimly conjecture; we can determine their direction, we can hardly hope to know their extent. It would be easy, however, to exaggerate their influence; the vitality of open field husbandry was invulnerable, and even after the sixteenth century had run its turbulent course, England was still a land of open fields and common waste². One fact alone emerges clearly, and this we must be content to set in the strongest light: the individualist movement of the Tudor period, the commercialising of agriculture and the growth of compact farms, was already asserting itself in earlier times, and as a result the system of intermixed ownership was already undergoing a profound modification on many sixteenth-century reasons.

*Extent of
the earlier
changes.*

The defects of the open field system, with its scattered ownership, its joint labour and compulsory rotation of crops, have already been described. Turner, an agricultural writer of the sixteenth century, drew a comparison in his '*Five Hundred Points of Good Husbandrie*'³ between land which was 'severall' or enclosed, and land which was 'champion' or unenclosed. He strongly favoured the former:

*1. Enclose the
soyle (1)
(2) Enclose
the
fences.*

"The country enclosed I praise,
the other delighteth not me".

¹ See the evidence of *Domestick Book*: *intro.*, p. 100.

² And much later: J. Leland B. Hammond, *The Village Labourer* 1893, p. 18.

³ *English Dialect Soc.* 1897, 107.

When land was enclosed for purposes of tillage the farmer acquired a compact holding, and was free to abandon the customary course of cultivation and introduce improved methods of husbandry. Tisser claims that:

"More profit is quicker [more ready] found
(where pastures at several be)
Of one ally [single] acre of ground
than champagne north of three.
Again what a joy is it heaven
when men may be bold of their own".

The advocates of enclosure for purposes of arable farming did not anticipate depopulation: an equal number of farmers would be supported and more work would be found for agricultural labourers.

221. For
history

Tisser was not alone in his insistence upon the importance of enclosing arable land. Fitcherbert, in his book on *Surreynge*², endeavours to show "how to make a township that is worth twenty marks a year worth twenty pounds a year". He proposed that every tenant should surrender his bundle of scattered strips, and receive in exchange a compact holding proportioned in size to his original allotment. This was done, among other places, at Shroton in Dorsetshire³ where the enclosure of land was carried out by agreement. It was arranged that six tenants "chosen and sworn should tread out the lands of the manor and alote how much each tenant should have, and so every one enclosed his land and so hold it till to-day". Fitcherbert enumerates the advantages which he believed to attend a redistribution of the soil. The husbandman would be able to keep twice as many cattle as before and his corn would be better protected. The value of land would also be increased; for example, an acre of meadow would be "worth half as much again"⁴. This statement is borne out by the fact that enclosed land was sometimes rated more heavily than unenclosed⁵, and on the Somersetshire manor

² Ed. 1490, c. 40. ³ For County of Dorsetshire, c. 149.

⁴ *Surreynge*, c. 3. For the authorship, see English *Short History*, vol. vii.

⁵ E.g. *Warwick, Agrarian History*, 265 (p. 2).

of Paddock's enclosed arable was twice the value of unenclosed. With Turner, Fitzherbert argued that there was no danger of depopulation. He confessed indeed that herdsmen, shepherds and vintners would be thrown out of employment, but he was careful to add: "To that it may be answered, though these occupations be not used, there be as many new occupations that were not used before—as getting of guallets, ditching, hedging, and ploughing, the which the same men may use and occupy"¹.

The author of *A Discourse of the Common Weal of this Realm of England* bore similar testimony to the superiority of enclosed over unenclosed land. "Tenants in common be not so good husbande [farmers] as when every man hath his part in several". He added: "If land were severally enclosed to the intent to continue husbandry thereon, I thinke no harm but rather good should come thereof". But there was a danger that after enclosing their land men might proceed to convert it into a sheep-run, "as we see they do now too fast, the more is the pity"². There was also the possibility that enclosures, even when for purposes of arable farming, might be carried out unskilfully and to the detriment of the poorer tenants. This was often the case in the eighteenth century, and was admitted even by Turner.

164 The
Discourse
of the
Common
Weal.

"The poor at enclosing do grutch [grumble]
because of others that fall.

Let some men should have but too much,
and some again nothing at all".

It is difficult to determine the extent to which agricultural land was enclosed for purposes of improved farming in the fifteenth and sixteenth centuries. A survey of England was made in 1537, and the returns of the Commission covering a period of thirty years have been preserved³, but their evidence is not easily interpreted. Sometimes the decay

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enclosures
for arable.

¹ *Full County Map Remembrances*, ii, 302.

² *Surveyings*, i, 41.

³ Ed. E. Landon (1892) p. 29. The probable date is 1520. The notice should be added in the "only four writers of note [Carter, Turner, Fitzherbert and Sandford], who have anything to say in favour" of enclosures at this period: A. H. Johnson, *Disappearance of the Small Landowner* (1926), 28.

⁴ *The Community of Enclosures, 1527-1538* ed. T. E. Hughes (1926).

of husbandry is definitely attributed to the conversion of arable into pasture. At other times, however, we are merely told that houses of husbandry, that is, farm-houses, have decayed without any reason assigned. It has been assumed that in the latter case the land was enclosed for purposes of tillage¹. If this hypothesis is correct the results are certainly striking. It implies that in Berkshire no less than three-fifths of the enclosures were made for arable cultivation, and only two-fifths for grazing; in Lincolnshire two-fifths for arable, in Bedfordshire one-third, in Oxfordshire one-fourth, and in some parts the whole district². The conclusion would follow that "the agricultural revolution was not simply a movement of inclosure to pasture", but that "the inclosure of arable was a movement contemporary with that of conversion to pasture"³. A further conclusion would be that the enclosure of arable was accompanied by the consolidation (engrossing) of small farms into large ones, and by the eviction of tenants from their holdings, as in the case of sheep-farming. "The new methods of arable cultivation involved . . . a reduction in the number of persons employed"⁴. But these conclusions seem hardly tenable. It is unlikely that the enclosure of land for the sake of improved husbandry was carried to any very large extent in the sixteenth century. The fact that the returns do not in each case mention the conversion of arable to pasture does not prove that no conversion took place, for repeated repetition of the clause would be wearisome⁵. As to depopulation Turner and Fitzherbert definitely claim, as we have seen⁶, that improved cultivation did not involve depopulation. Above all, it is difficult to understand why those who so bitterly condemned the evictions of tenants should have confined their denunciations to sheep-farmers, if those who enclosed for purposes of tillage were equally incriminated. Tender measures of social reform were expressly aimed against the conversion of arable into pasture and the

¹ *Survey of Inclosures*, i, 37.

² *Ibid.* i, 37, 129, 127, 11-126.

³ *Ibid.* i, 32, 39. *Quarterly Review*, Agricultural Community, 61.

⁴ *Survey of Inclosures*, i, 38.

⁵ Cf. E. F. Gier, "The Inclosures of Depopulation in 1537", in *Transactions of the Royal Hist. Soc.* 2^d s. ser. 1914, p. 101.

⁶ *Ibid.*, pp. 107-113.

consequent restriction of the peasantry.) They were not intended to prevent the consolidation of strips for purposes of arable farming, "for that had been", as Bacon¹ recognised, "to forbid the improvement of the patrimony of the kingdom". Of course we have no reason to doubt that enclosures were sometimes carried out with a view to a more progressive husbandry. The enclosing movement of the fifteenth century must have been largely directed towards this end, indeed, whenever enclosures were made on a small scale, it is unlikely that the plough was displaced or tillage abandoned. But in any case the consequences were far different from those entailed by the spread of sheep-farming, and to all appearance there were neither depopulation nor evictions. The absence of definite evidence on this aspect of the enclosing movement only proves that the more striking phenomena, which attended the conversion of arable to pasture, the depopulation of villages and the turning adrift of tenants, raised upon the imagination of contemporaries and obscured the more silent, because harrassed, changes which were in progress at the same moment².

The fundamental feature of the agrarian revolution was the enclosure of land for purposes of sheep-farming. "Always the most part of enclosures", says Leach³, "be for pasturage". This was the theme of countless sermons, pamphlets, ballads and acts of parliament, and filled the minds of statesmen, preachers and writers to an extent which only finds an adequate parallel in the religious changes contemporaneous with it. According to John Hale⁴, "the chief destruction

12. See
chapter for
pasture

¹ Bacon, *ed. J. Spalding* (1847), iv. 32. Speaking of the early years of Henry VII. a page Bacon says, "Business began to be more frequent, whereby much land . . . was turned into pasture". *Ibid.* 33.

Contemporaries well understood the difference between enclosures (a) for improved tillage, and (b) for pasture, tanning. The word *enclosure* is not used where a man both encloses and keeps in his own proper ground, where no man both encloses. For such enclosures we use *landed* in the Commonwealth . . . it is a cause of great increase of wool. But it is more thereby when any man both takes away and enclosed now when man's commons, or both pulled down because of husbandry, and converted the land from tillage to pasture". Hale's "Charge" to the Commissioners in J. Strype, *Enclosure of Wiltshire* (ed. 1724), ii. App. C p. 18.

² *Enclosure* (ed. L. T. Spry), iv. 30 (speaking of Leicestershire).

³ *Enclosure*, *ibid.* *ibid.* Mr. Tansley (p. 144) would regard Hale's statement as "a cool testimony of the impression produced by a century

of towns [villages] and decay of houses was before the beginning of the reign of King Henry VII.", and his statement deserves more attention than has been paid to it. There is evidence to show that the changes in the direction of pasture farming had already made greater progress before the accession of the Tudors than is generally recognised. As early as 1484 a petition asserted that at Chestering¹ near Cambridge no houses were left standing, "but if it were a sheep-cote or a barn", and in the same year the tenants of two villages in Nottinghamshire², Darlton and Ragnall, made complaint against enclosures. John Ross inserted in his *Historia Regum Anglie* a list of villages and hamlets supposed to have been destroyed in Warwickshire³. The speech of the Lord Chancellor delivered at the opening of Richard III.'s parliament indicates that the movement which was to occupy the minds of Tudor statesmen for a century, was already attracting attention. "This body falleth in decay, as we see daily it doth by [enclosures and] exporting, by driving away of tenants and lerving down of tenements"⁴. It is significant that the expenses of hedging are more frequently set down in manorial account rolls, while a new offence, the destruction of hedges, began repeatedly to recur in the court rolls⁵ in spite of heavy fines. Cases in Chancery also attest the strength of the opposition which the enclosing movement was already arousing. At a manor in Edmonton (c. 1415) tenants men "did break up dross parkens, closes and severalities, and enter therein and turn them into common"⁶. A few years earlier the abbot of Westminster appealed to the protection of the chancellor,

of gradual consolidation and planned enclosures carried out by the smaller cultivators." But this view can scarcely be upheld. Hales would not have described "gradual consolidation" (which he favoured when related to peasant villages) as the destruction of villages and farm houses.

¹ *Ibid.*, *Roll*, iv, 40-5.

² *Ibid.*, iv, 104-5, compare also the reference to "dispopulation agrorum" in 4 Hen. IV. c. 12 (*Statutes*, ii, 176).

³ *Historia Regum Anglie* (1795), 144, seq., but the list may have been inserted by Ross.

⁴ *Speech of Edward IV.* (Quoted *Ibid.*, *Roll*, v, p. 30).

⁵ At Colston (1422) all hedges of bridges were to be kept to 4 ft. *Proc. Courts Hist. Warwick*, v, 125.

⁶ *Rolls of Edward IV.* (Quoted *Ibid.*, *Roll*, v, 125).

because sixty persons had burnt the hedges and enclosures at the coppice in a wood belonging to the commons.¹ An example of sheep-farming in the fifteenth century comes from the rector of Bughdene in Hampshire.² In 1350 the arable demesne covered 265 acres. In 1455 the amount of land sown with corn had shrunk to 100 acres, yet the use of the demesne had been recently extended by over 500 acres. At the same time the cry was being raised that wealthy and unscrupulous graziers overcharged the commons with excessive number of sheep. At Coventry Laurence Saunders³ was the vibrant champion of the poor; and elsewhere complaints were made that sheep-farmers "overburdened the common pastures"⁴. Altogether it seems undoubted that the movement towards sheep-farming was already proceeding more or less rapidly before the Tudor dynasty ascended the throne.

For many centuries English wool was the staple article of export and the chief basis of England's wealth. It was acknowledged the best in Europe, and the repute in which it was held is reflected in the *Woolbach*, "the seat of our wise learned judges"⁵. The Cisterians in particular had been the pioneers of pasture farming, and at the time of Richard I's captivity they devoted a year's wool to his ransom.⁶ In 1297 the amount raised by the king on wool was seventy-four per cent of the entire customs revenue⁷. The striking feature of the agricultural revolution was the remarkable extent to which wool-growing was now substituted for corn-growing. Many factors combined to bring about the change. In the first place, tillage was ceasing to be a source of profit, since the export of corn was forbidden when prices were high, in order to ensure a sufficient home supply for the country's needs. At the same time the price of agricultural labour had risen considerably, and landlords and farmers welcomed an escape from a situation which must often have

*document
for sheep
farming.*

¹ *Selden Case in Chancery*, No. 56.

² *Final County Mid. Hampshire*, p. 410.

³ *The Coventry Loll Book* (ed. H. D. Harris), p. 124, 126.

⁴ *Big court rolls at Lichfieldstead (Staffs.)*; *Blount: The Farmer*, 182.

⁵ *John May: A Declaration of the duties of Clothing* (1617), 1.

⁶ *English Monarchs of Wool* (1772), 2, 11.

⁷ G. V. Leveson, *English Handicrafts* (1884), 12 (p. 13).

been intolerable to them. While tillage was thus heavily handicapped, English wool readily found a market at home and abroad. Formerly the bulk of the wool produced in England was exported as raw material "unto a more ingenious nation"¹, to be worked up by the famous looms of Bruges, Ypres and Ghent. But in the fifteenth century the native cloth manufacture began to expand with great rapidity, and there was a corresponding demand for wool on the part of the English clothiers. Apart from the home market, England still retained the markets of Europe, especially Flanders and Italy, and no restriction at that period was placed on the export of wool. The profit derived by gardeners from the growing of wool tempted landlords and farmers to turn their land into pasture², and it is scarcely surprising that Fitzherbert should regard sheep "as the most profitable cattle that any man can have."³ "The foot of the sheep", men said, "turns sand into gold."⁴ "We have also to take into account that much land had been brought under cultivation which was better suited for pasturage than for tillage, apparently owing to the fact that every village as a rule sought to raise its own food supply, "the pasture may be such that it is at double or triple the value of the arable land"⁵. It has also been contended that the soil was exhausted and needed rest from corn-growing.⁶ Another important consideration was that sheep-farming created "small change and small labour"⁷. Where twenty tillers of the soil had once been employed a single shepherd now sufficed, and shepherds were the worst paid of all classes of rural labourers.⁸ It is evident, then, that strong inducements existed in favour of sheep-farming; its profits were higher and its expenses were lower than those of tillage. There was more profit, said a contemporary writer, "by grazing of ten acres to the occupier alone than in tillage

¹ May, *op. cit.* 2

² E. Pears, *Some Fifteenth-Century English Landholdings* (1914), 20

³ *Boke of Survey*, 20

⁴ E. K. Fitcham, *Peasants and Progress of English Farming* (1911), 22.

⁵ Fitzherbert, *Surveyors*, c. 2 (p. 24)

⁶ *Customs, Manors in the Fifteenth Century*, ed. G. G. Coulson, *Customs, Land and Peasantry*, 1921, 204

⁷ *Surveyors* (12)

⁸ E. F. Chyngley, *Small Changes in England* (1892), 22.

of vanity"; and it was natural that the farmer had no "joy to set his plough in the ground"¹. Another factor in the situation was the growth of a moneyed class enriched by the woollen industry and by their control over the financial business of the realm, which was now passing into their hands. They were anxious to find an outlet for their wealth, and sheep-farming afforded ample opportunities for safe and profitable investment. Speculation in land, especially after the dissolution of the monasteries brought great estates into the market, became widespread. Lancashire families² which had built up a fortune in trade invested money in land, and London citizens purchased manors in Surrey³ or secured grants from Henry VIII. in liquidation of his debts. In this way London aldermen obtained a large part of Newstead in Nottinghamshire⁴, and a London mercer acquired sixteen of Warwick. Covelley⁵ bitterly attacked the merchants who were becoming landowners:

"To purchase lands is all their care
And all the study of their brain".

Leese wrote (1538). "The merchants of London" are not "content with the prosperous wealth of that vocation to satisfy themselves and to help others, but their schemes must abroad in the country to buy farms out of the hands of wealthy gentlemen, honest yeomen, and poor labouring husband[men]"⁶. Thomas Cromwell even contemplated (1535) an act "that merchants shall employ their goods continually in traffic and not in purchasing lands . . . and that no merchants shall possess more than forty pounds lands by the year"⁷. Then the merchant became a squire and aspired to the status of a country gentleman. "Every gentleman fleeth into the country", so that in the cities "you shall find no policy, no civil order almost, nor rule"⁸.

¹ *Quintess.* 102.

² *West County Hall Lancashire*, p. 308.

³ *West County Hall Surrey* 17-18.

⁴ *West County Hall Nottinghamshire* 11-12.

⁵ *R. Covelley, Works* (E.E.T.S.), 20, 82.

⁶ *T. Leese, Sermons*, ed. R. Arber (1894), 19.

⁷ *Letters and Papers Henry VIII.* 10, 749.

⁸ *T. Sturges, A Dialogue between Cardinal Wolsey and Thomas Lupset* (E.E.T.S.), 19, 177.

All these various factors combined together to bring about the great agrarian development of the sixteenth century.

Effects
of the
agrarian
revolution

We have now to trace the course of the movement by which pasture land was substituted for corn-fields, and to form some estimate as to the nature of its effects upon the economic and social life of England. It will be convenient to group the principal changes under four heads, according as they affected (1) the demesne and leasehold, (2) the freehold, (3) the copyhold and (4) the commons.

1. On the
demesne
and
leasehold

1. *The Demesne*.—When the lord retained the manor in his immediate ownership and worked it through a bailiff, the justification for converting it into a sheep-run was at least more apparent than in other circumstances, for this would not involve the eviction of tenants. "The duke of Beaufort at Bryctryke in the East Riding converted a hundred acres of demesne from arable into pasture, and no house or plough was on that account put down" (*Spenserian*)¹. On the other hand, it reduced the demand for agricultural labour, and deprived of employment those who earned a livelihood by working upon the large farms. In this way it depopulated the village by withdrawing from rural wage-earners their means of subsistence. Moreover, where the lord's demesne was still composed of strips scattered among those of his tenants, it is difficult to see how enclosure was carried out without disturbing the traditional arrangements of open field husbandry, the customary course of cultivation and the villagers' rights of common over the waste. "Understand", says Pinnerbert², "whether the demesne lands be in the common fields . . . among other men's lands, or in the fields by themselves", and this implies that the demesne and peasant holdings were still often intermixed. We know at any rate that the monasteries sometimes had the whole of their waste land dispersed over the open fields³, and we have also some evidence that their inclosures were inspired by no tender regard for the rights of others. The injury inflicted upon the agricultural

¹ *Trans. Royal Hist. Soc.* N.S. vi. 177 (from the return of 1579).

² *Surveyors*, c. 2.

³ *Survey of English Monasteries* 161.

labours when the demesne was converted into a sheep-run, raised the fundamental question whether the lord was morally justified in turning his land to whatever use he considered best for his own interests. The economic theory of the Middle Ages had subordinated the interest of the individual to the welfare of the community, and medieval morality was no less binding on the lord than on his tenants. But the older conceptions of right and wrong were breaking down, and in their stead grew up the conviction that a man might do with his own as he would. "As for turning poor men out of their holds", noted Galpin¹, "they take it for no offence, but say the land is their own". More stress began to be laid upon the rights of ownership than upon its duties. Land came to be regarded purely as a source of wealth, and its real relation to the community was utterly obscured. Common law placed no legal obstacle in the way of the lords, but though the legality of their action was not called into question, its morality was unimpeachably denounced.

In the great multitude of cases, however, the lord had already abandoned the medieval system of direct cultivation of the demesne, and preferred to lease it to tenants. Not only the demesne, but also land reclaimed from the waste, and customary holdings which had escheated to the lord after the Black Death, were let on a lease, sometimes for one or more generations, sometimes for a term of years, and sometimes at the lord's will. Where land was thus held on a lease the tenant would be evicted when the indenture expired, the villages were depopulated, the inhabitants rooted in the soil for generations were sent adrift (*jakobinsko korenje* removed)², their houses destroyed or allowed to decay, and the land turned into a sheep-run. There was nothing to restrain the lord from tightening his grip upon the soil at the promptings of economic interests.³ An

¹ *Stamps & Co. (Leath. Eds. Vii)*.

² *Times, Royal Ann. Nov. 17th. 1875*.

³ According to the statement in *Smith, Two million Newlands in twenty years* all places with demesne by the twelfth of each century had to pasture. "As the agrarian changes were accomplished not by the lords but by wealthier gentry divisions they caused the lord, considering the change." Cf. also *Curry, Agrarian Problem*, vol. 1 (part 2. 17).

example of an overbearing landlord is given by Leland. "Edward, Duke of Buckingham, made a fair park hard by the castle and took much fair ground in it very fruitful of corn, now fair lands for tilling. The inhabitants cursed the duke for these lands so enclosed". Another park was enlarged from one to six miles, "not without many curses of the poor tenants"¹.

The
monastic
lands

The monasteries were great landowners, and it is necessary therefore to distinguish between land owned by lay lords and land in ecclesiastical ownership. The actual area of monastic property cannot easily be determined, though its income has been estimated at a hundred thousand pounds.² Nine-tenths of this rural landed revenue were drawn from the rents of tenants—copyholders, freeholders, leaseholders and tenants-at-will. The rest was derived from land retained by the monks in their own hands as a home farm. The extent of monastic demesne was thus very considerable, and implies that on the eve of the dissolution a great quantity of land was immediately controlled and farmed by ecclesiastical owners. It is difficult to define with certainty the attitude of the monasteries towards their tenants. The returns for the Commission of 1537 are insufficient to form the basis of any trustworthy generalisation. Sir Thomas More³ declares they were drawn into the movement, and that certain abbots among them, "holy men no doubt", left "as ground for tillage". On the other hand, Becon⁴ tells us that "the clouster kept hospitality, let out their farms at a reasonable price, nourished schools, brought up youth in good letters", while their successors "did none of these things". His testimony is borne out by other writers, and Brinklow asserts (1541) that "but for the faith's sake . . . it had been more profitable no doubt for the commonwealth that they had remained still in their hands. For why? They never enhanced their rents nor took so cruel fines as do our temporal tyrants"⁵. This is the evidence of men

¹ Leland, *Itinerary* v. 200.

² Jones, *English Monasteries*, 149, 150. The gross temporal income from all sources amounted to 150,000.

³ More, *Utopia*, ed. B. Arden (1964), 41.

⁴ C. Becon, " Jewel of Joy " in *Works* (Parker Soc. Pub.), 412.

⁵ R. Brinklow, *Complaints of Whelpshire Monks* (S.R.S.), 9.

who were strongly in favour of the Reformation, and may be accepted as all the more impartial.

It is worth while to notice that More wrote about 1515, before the monasteries were dissolved, and the monastic houses are also attacked in other pre-Reformation writings, for example, in William Kay's *Sale we and be not wroth* (c. 1515) and in *A Proper Dialogue betwene a Gentleman and a Richardian* (1535)¹. On the other hand, Bacon, Lever and Brinklow wrote after the dissolution when the monasteries, whatever their conduct had been, shone by comparison with their successors. Another piece of evidence supports the conclusion that on the whole the monks were not deeply implicated in the agrarian revolution, as recent writers often maintain. We should expect to find indications of a general conversion of arable to pasture, if anywhere, on the lands retained by the monastic establishments in their immediate ownership. But, on the contrary, the extent of the arable on the demesne appears scarcely less than the extent of the pasture². The monks had every inducement to wrest with the tide and become sheep-farmers. Grazing was more profitable and involved less risk than tillage; above all, the monasteries lived in daily fear of dissolution and would be tempted to seek for immediate returns on their capital. In the light of these considerations we may well agree that the figures of monastic tillage are eloquent³. The government recognized the danger that monastic property might fall into unscrupulous hands, and the act of 1536⁴ which dissolved the monasteries forbade conversion to pasture. But legislation was powerless to stem the tide of change.

"We have shot away all chasters,
but still we keep cartographers;
We have taken their lands for their abuse,
but we have converted them to a worse use"⁵.

"These goods", said Lever, "which did serve to the

¹ *Quoted from Manuscripts (British Mus., Vol. 1, i. 16, 20)*

² *Survey: English Monasteries*, 123, 124

³ *Quoted*, *ib.*, 124.

⁴ *The Papers of Sir John*, 2, 30 *Quoted from MSS.*, i. 125.

⁵ *Ibid.*

How can
arable be
arable.

relief of the poor, the maintenance of learning, and to comfortable, necessary hospitality in the commonwealth, be now turned to maintain worldly, wicked, covetous ambition"¹. The holders of monastic property were even charged with exporting from their houses their copies and books, pretending that by virtue of the king's sale of the property "all our former writings are void and of none effect"². Hence the dissolution of the monasteries greatly accelerated the agrarian changes, and large areas of land passed into the hands of private owners who were generally absentee, and showed but little regard for local custom and tradition. This explains the increased invective against sheep-fencing which marks the reign of Edward VI.

II. Freehold Land.

II. *Freehold*—Land in the occupation of freeholders was protected by common law from any encroachment on the part of the lord. They enjoyed complete legal security, and could neither be turned adrift from their holdings nor subjected to rack-rents and arbitrary fines. To all appearance they were in a position to reap for themselves the full benefit derived from a more progressive husbandry, and to exploit the soil directly in their own interests. The changes which the sixteenth century witnessed in the general level of prices must have served to increase their prosperity, and enable them the more successfully to withstand the economic pressure to which the competition of large capitalist farmers would tend to expose them. Their superior legal status made them also the natural champions of the villagers in the struggle for the commons, and they were able to demand a hearing in the king's court as their inherited right, and not by virtue of a belated and humanitarian concession. Even among the freeholders, however, enclosures were possible in one of two ways. In some cases they exchanged and consolidated their strips to form compact holdings³. At other times it is probable that a practice which was common in the seventeenth century was sometimes adopted a century

¹ *Letter of 1539*.

² "A Supplication of the Poor Commons", in *Poor Supplications* (KETS), 40.

³ In the various literature it is sometimes definitely stated that the enclosure was the work of the tenant. *Times Report that Son* 1816 p. 122.

arises, and the lord brought out his tenants' interests in order to extend his pasture.

III. *Customary Tenants*.—In the legal classification of English rural society the customary tenants were grouped together as a single homogeneous body, distinguished alike from the freeholders with their permanently secure tenure on the one hand, and from the leaseholders with their temporarily secure tenure on the other. In the period that is before us, the economic historian cannot afford to regard these distinctions as the artificial discriminations of the lawyers, which lie beyond his own province. While the agricultural revolution of the sixteenth century was in process, legal considerations were largely the determining factor in the situation. The wealthiest tenant who was suddenly confronted with eviction and beggary had occasion to envy the poorest freeholder, who died out a scanty subsistence from his handful of acres, but had managed to retain his economic independence. In a movement which swept away the barriers imposed by manorial custom and divorced large numbers of the English peasantry from the soil, tenancy of tenure, the validity of the title by which a man held his land, was often all that lay between him and destitution.

The legal position of the copyholders during the period of the agrarian changes has been much disputed. In the thirteenth century tenants in villinage were not protected in the king's court, and could be evicted from their holdings at the will of the lord. Their tenements were secured to them not by common law, the law of the land, but by custom, the law of the locality, which was binding upon the lord only when there was no serious inducement to disregard it. But the process which superseded feudal services by money rents transformed the villein, whose land was held by oral tradition (*possession*), into a copyholder, whose title depended upon the written testimony (*copy*) of the roll of the manor. Ultimately the copyholders came to acquire complete legal security in the common law courts, but controversy has arisen as to their situation during the fifteenth and sixteenth centuries. The issue involved is whether the customary tenants, who comprised the most important element in the

Legal position of copyholders

rural population, were able to fortify their resistance to manorial aggression by an appeal to national justice, or whether they continued to rely solely upon the custom of the manor to withstand the invasion of the new economic tendencies. Two divergent opinions have been expressed, and the contrast between them will serve to place in a clearer light the points at variance. One view¹ holds that "the legal rights of the copyholders were such as to enable them to weather the storm"; customary tenants in the strict sense of the term were not ejected because they were entitled to the protection of the common law courts. An alternative view² is that "the mass of the customary tenants had at the beginning of the period no legal security", and were liable to be dispossessed by their lords without any infringement of common law. But the problem is more complex than these summary statements might lead us to infer, and several points need consideration.

Classes of
customary
tenants

To begin with, some reliance has been placed upon certain famous decisions pronounced by two judges in the time of Edward IV. In 1482 Chief Justice Brian declared that "his opinion hath always been, and ever shall be, that if such tenant by custom paying his services be ejected by the lord, he shall have an action of trespass against him". Danby, another Chief Justice, also agreed that the "tenant by the custom is as well inheritor to have his land according to the custom, as he which hath a freehold at the common law". These opinions of Yorkist judges have been regarded as political judgments inspired by hostility to the landowners, and therefore allowed by the early Tudors to fall into abeyance until the reign of Elizabeth. But in any case it is difficult to observe that these words were not written by Littleton, in whose text they appear, but were interpolated in a subsequent edition (1534) by the editor³, accordingly they cannot be taken as evidence of fifteenth-century practice. On the other hand, we cannot deny to all customary tenants

¹ J. S. Leachon to *States Royal Hist. Soc. N.S. vi, 202* & *passim*; and *English Hist. Review* viii, 162, 169.

² *English Hist. Review* viii, 162, 169; *Salisbury Romanesque History* ii, 171.

³ *Ibid.* ii, 170. A. G. S. G. "English Customary Tenants", in *Quarterly Journal of Economics*, xiv, 36.

without exception some measure of legal security, for there is evidence that some among them were not excluded from a hearing in the national courts in their struggle against arbitrary exaction. There were in fact three classes of customary tenants, those who held land by inheritance, or for life, or for a term of years; and the term copyhold then covers a variety of meanings. Now in every case where the copyhold did not pass from father to son it reverted at intervals to the lord, and he could resume occupation without a breach either of internal practice or common law. In this way a large part of the estate gradually fell back into the lord's hands, and became part and parcel of the demesne. Hence it follows that customary land, when held by tenants for a fixed period, was always liable to be taken from them whenever their term expired. But the genuine copyholder, the successor of a long line of tenants holding ancient customary land, was in a different position and managed to obtain some measure of legal protection. The Court of Chancery was the pioneer in this direction, and there are cases of its intervention on behalf of the copyholder as early as the fourteenth¹ century, though they become more numerous in the fifteenth². Thus the copyholders, while excluded from the common law courts, were able to seek redress in the equity courts and bring a suit against the lord for the recovery of their tenements. The importance of Chancery jurisdiction at this early date in alleviating the condition of an oppressed copyholder may not have been great; it is difficult to suppose that complaints were invariably successful in attracting the attention of the royal court, but it served at any rate to pave the way for action by the Tudor law courts. In the sixteenth century the Star Chamber and Court of Requests became prominently identified with the conflicts between the lord and his customary tenants, and lawsuits over estates of copyhold were of frequent occurrence. Another indication that copyhold afforded the tenant some measure of security is furnished by

¹ *Ibid.*, pp. 26, 29.

² *Ibid.*, "Copyhold Cases in the Early Chancery Proceedings", in *English Hist. Review*, xvi, 196, pp.

the fact that the owners of abbey lands sometimes sought to compel their tenants to surrender their copies, pretending that on account of the desolation "all our former writings are void and of none effect"¹. One of the cases in the Court of Requests concerned the proceedings of a landlord who "by compulsion, threatnings and other sinister and unlawful means, hath gotten into his hands many copies of court rolls", and in return gave leases for short terms of years, "greatly murther and enhancing the rents"².

But while it is clear that tenants who held by the custom of the manor were not exposed to a state of complete legal insecurity, we cannot postulate a condition of "simple and effective protection". When the tenants of Thrapston³ carried on their famous and interminable lawsuit for nearly half a century, pursuing the lord of the manor through every court in the land, we may admire the courage with which they confronted their lord, but we must hesitate to say whether their confidence was born of "legal security"⁴ or "legal ignorance"⁵. On the whole there seems to be good ground for denying the democratic tendencies which have been attributed to the Star Chamber and to the court which bore the honorable appellation of "The Court of Poor Men's Causes" (Court of Requests). The position in fact is summed up in the statement that the Tudor courts sought "to restore the custom, not to mend it"⁶. They interfered between the lord and his tenants, but only where the lord was violating the custom of the manor. They came to the rescue of a delaying custom which was fast losing its hold over the lord and his tenants alike. They insisted that the lord should abide by the immemorial practice of his own courts, but they denied to the tenants any rights which they could not claim by the traditional usage of their own community. It seems at any rate certain that the Tudor monarchy, working through its creations—an indefatigable and all-pervading privy council and its judicial offshoots—

¹ *A Supplication of the Poor Commons, &c.*

² *Subsid Cases in the Court of Requests, 45.*

³ *Subsid Cases in the Star Chamber, v, p. 100 (1499-1527).*

⁴ *Ibid.*

⁵ *Ibid.* ⁶ *Spence, Quarterly Journal of Economics, vii, 75.*

⁷ *Ibid.* ⁸ *ib. et passim.*

did not venture to set aside or ride rough-shod over seigniorial rights and admit customary tenants to their complete protection; the tenant must first be able to prove that the lord had disturbed 'the reign of custom'. But this law raises wide issues; if the courts of law would only interfere to protect the genuine copyhold, a new situation was thereby called into existence. The interest of the problem is shifted from the question whether the copyholder had legal remedy to the question what constitutes a perfect copyhold. The struggle in the law courts would be fought out over conflicting interpretations of manorial custom and tenant right. Two main difficulties may be indicated: was the copyhold an estate of inheritance, and was the copyhold one of customary land, or one of demesne or waste? It was not always easy to determine the nature of the estate, nor to draw a line between land that was part of the original villagegreen and land that was carved out of the demesne or the waste, which was not regarded as true copyhold. Here were the materials for endless litigation, in the midst of which the position of the copyholders would tend to be extremely precarious. The law could be invoked by the copyholder with an uncontested title who could establish a clear mismanagement of custom, but when we bear in mind that copyholds were not all of one kind, we must recognise the probability that many customary tenants were submerged in the torrent which carried away large numbers of the English peasantry from their land. The conclusion is strengthened by the fact that some of admission to the copyhold might be variable¹, even apparently when the copyhold was of inheritance. Hence the lord would often be able to oust a new tenant to surrender his holding by imposing a fine beyond the tenant's capacity to pay. Lastly, whatever the legal position even of the genuine copyholder, we must not assume that law and custom invariably aligned supreme. The sixteenth century was a hard age, and an overbearing and tyrannical landlord might sometimes venture upon acts which had not come universally to be recognised as definitely illegal. In *any* case he would be

¹ *Ibid.*, p. 128.

tempted to expose trust at the manors which now obtained currency: "matters be ended as they be friended"¹.

IV The Commons

IV *The Commons*.—Attention has already been drawn to the vital importance of the common waste in primitive economy. It was an integral element in the fabric of rural society and the indispensable basis of the medieval system of husbandry. As Latimer² pointed out, the ploughman needed cattle and therefore pasture, "and pasture they cannot have, if the land be taken in and enclosed from them". Not only was it impossible for the villagers to till his fields unless he could feed his cattle, but the loss of common rights was also a hardship for the small cottars who derived a precarious livelihood as best they could—some as squatters upon the waste—and to them the deprivation of the commons meant literally starvation. "There be many a thousand cottagers in England", wrote Hales³, "which have no lands to live of their own but their hand-labour, some subsisting upon the commons". But the waste offered a perpetual temptation to the lord to extend the size of his demesne by increasing the area of land under cultivation. This temptation became irresistible when the development of sheep-farming created an insatiable land-hunger. The Statute of Merton offered no adequate protection for reasons already assigned⁴, and the encroachment of the commons by the lords became an outstanding feature of the agrarian revolution.⁵ "The greatest grief", observed Lever⁶, "that hath been unto the people of this realm, hath been the enclosing of commons". In some cases an agreement was drawn up between the landlord and his tenants providing for a fair and equitable division of the waste. On the Norfolk estates of King's College, Cambridge, the waste was enclosed by agreement between the tenants and the lords of the manor⁷. But

¹ Starkey, *Diary*, 46.

² Latimer, *Sermon* (Parker Soc. Publ.), I, 149.

³ *De Witt*, 49.

⁴ *Ibid.*, p. 59.

⁵ Mr. Johnson (*Disappearance of the Small Landowner*, 29) holds that "the enclosing of the sixteenth century was for the waste part . . . the enclosing of the commons open field, not of the waste or commons", but of the evidence cited in the text.

⁶ *Sermon*, 75.

⁷ Cf. J. Corbett, "Blackthorn Village Survey", in *Trans. Royal Hist. Soc.*, N.S., II, 83. The date is 1520.

there is every reason to believe that high-handed and oppressive proceedings were the order of the day. The words of Bernard Gilpin, "Never were there so many gentlemen and so little gentlemen", came home with special force to the light of an incident which occurred at Wootton Bassett, a town in Wiltshire. The lord of the manor seized into his hands no less than nineteen hundred acres of common land, and left the townsmen to content themselves with a bare hundred. His successor wrested from them even the few acres which they had been allowed to retain, and involved them in lawsuits which ruined one tenant and impoverished many others¹. There is little doubt that the enclosures of commons was a widespread evil. We have already cited the evidence of Lever, and Philip Stuke declares in his *Anatomy of Abuse* that landlords "take in and inclose commons, moors, heathes and other common pastures, whereon the poor commonside were wont to have all their forage and feeding for their cattle, and (which is more) corn for themselves to live upon."² In addition we have the evidence of Bacon³ that the poor people were not able to keep a cow "for the comfort of them and of their poor family", as well as the testimony of Hale⁴ and Edward VI. himself⁵.

The agrarian revolution was the most important event in the social history of the sixteenth century. It attracted the attention of contemporaries for more than two generations and awakened a storm that swept over the land like a hurricane. How deeply the transformation of rural life affected the imaginations of men can best be gauged from a study of the popular literature, and it is only by abundant illustrations from the writers of the day that we may learn to appreciate the intensity of passion which stirred the nation.

Common
-land
-system

(1) Foremost among the social effects produced by the

¹ Tugwell, *Agrarian Problem* 132 (p. 42).

² *Ballads from MSS* i. 32.

³ *Works*, 432.

⁴ *Discourses*, 28 of Justice.

⁵ Cf. Sharpe, *History of the Reformation* ed. H. Prescott, 1856, 11, 304, 305, 306. Thus the Council of the North was instructed to inquire into the "evils and wrongs in and causing of commons". See also Skelton's "Prologue" (1506) in *Ballads from MSS* i. 32. Crofton, *Works* 191. Skelton p. 420; *Skelton's Complaint to the Court of Requests*, 43. The sentence of Parliament was the storm of Skelton's verse.

to the
population.

growth of sheep-farming was depopulation, which might result in one of three ways: extinction, curtailment of agricultural employment, or usurpation of the commons. This made a deep impression upon the popular mind, and was regarded as the fundamental evil to be apprehended from the spread of grazing. The enormous quantity of sheep killed both on every side indignat protests. "God gave the earth to men to inhabit", said Tyndale¹, "and not unto sheep and wild deer". Pastors wrote²:

"Sheep have eaten up our meadows and our dooms,
Our corn, our wood, whole villages and towns".

It attracted the marked attention of foreigners. "They have", observed a Venetian³ (c. 1500), "an enormous number of sheep". Polydore Vergil in a description of England went so far as to assert that "of Englishmen more are graziers and masters of cattle than husbandmen or labourers in tilling of the field"⁴. The development of pasturage at the expense of tillage involved depopulation of villages. "Where", cried Latimer⁵ in a sermon preached before Edward VI., "have been a great many householders and inhabitants, there is now but a shepherd and his dog". "These enclosures", said a satirist⁶, "be the cause why rich men eat up poor men, as beasts do eat grass". Here denounced the graziers as "covetous and insatiable covetousness". "Sheep", he said in a memorable passage, "have become devourers of men . . . they unpeople villages and towns". We get occasional glimpses of actual depopulation. At Newark there were expelled "seventeen acres men, women and children, all upon one day"⁷. A letter addressed by the vicar of Quinson to the president of Mageslein College about the end of the fifteenth century

¹ W. Tyndale, *Doctrinal Treatise* (Fisher Soc. Pub.), 202.

² T. Baskett, *Libertarian Epigrams* (see note), 20.

³ Fisher, *Sketches of England* (Camd. Soc. Pub.), 50.

⁴ Polydore Vergil, *English History* (Camd. Soc. Pub.), i, 2.

⁵ Latimer, i, 200.

⁶ *Satires on England* from 1525-4, 32.

⁷ E. F. Gray, "The Millard Brevel", in *Trans. Royal Hist. Soc. N. S.* 1906, 103 (p. 11). For Skipton Eastworth see W. Capgrave, *Antiquities of Warwickshire* (ed. 1896), 2, 32. Cf. also "John Bayly's Letter to Henry VIII" in F. Spalding, *Illustrations of the Reign and Popularity* (1823), p. 242.

prayed him to "remember the welfare of our Church of Querton, and the support of our poor town which falls fast in decay and near to the point of destruction, except ye stand good lord and turn more favourable to your tenants, for your housing goes down; twenty marks will not set up again [AU] that is fallen within these four years"¹.

These passages afford concrete illustrations which bring home more forcibly to our minds the conditions depicted in the words of Thomas Sturkey (c. 1538). "There is no man," he observed, "but he seeth the great enclosing in every part of arable land; and whereas was corn and fruitful tilage, now nothing is but pastures and ploughs, by the means whereof many villages and towns are in few days ruined and decayed"². Preachers quoted the words of Isaiah: "Woe unto them that join house to house, that lay field to field . . . that they may be placed alone in the midst of the earth". Deacon tells how when men "have gotten many houses and tenements into their hands, yea whole townships, they suffer the houses to fall into utter ruin and decay; so that by this means whole townships are become desolate and like unto a wilderness, no man dwelling there, except it be the shepherd and his dog"³. The engrossing of farms was indeed one of the great evils against which the government vainly lightened. A petition addressed to Henry VIII. in 1504 alleged that farmers had "obtained and encroached into their hands ten, twelve, fourteen, or sixteen farms"⁴. This is confirmed by another writer: "The rich worklings join farms to farms, and heave other men out of their livings"⁵. A popular proverb crystallized popular experience in one short and pregnant sentence: "Enclosures make fat beasts and lean poor people". "I have heard", said a writer, "of an old prophecy, that 'Horn and thorn shall make England forlorn'. Enclosures verify this by their sheep and hedges at this day. They kill poor men's hearts by taking from them their ancient

*As prices of
of farms.*

¹ Denison, *England in the Fifteenth Century*, 328.

² *Dialogues*, 28.

³ *Works*, 232.

⁴ *Statute from MSS.* 1. 100.

⁵ Deane, Preface to "The Barrenness of the Pastoral", in *Works*, 300.

common, to make sheep pasture of¹. A ballad of the time ran:

"The towns go down, the land decays,
Great men maketh nowadays
a sheep-cote in the church;
Commons to close and keep;
Poor folk for bread cry and weep;
Towns pulled down to pasture sheep;
this is the new game!"²

(a) *John
de Parys*

(a) Another result of the agrarian changes was the rise in rents, and where the tenant was not actually evicted from his holding he was rendered liable to rack-rents. Greville asserts that rents were raised "some double, some triple, and some fourfold to that they were within these twelve years last past"³. Nor was the charge mere rhetoric; according to a statement made in the Court of Requests, a merchant of London, who had obtained lands in Wiltshire after the dissolution, more than doubled the rents of his new tenants⁴. When the land was enclosed for purposes of cultivation the lord might fairly expect to benefit by the improvements. Moreover, where the tenant was a farmer the lord could advance a more legitimate claim to a share in the profits. But a great outcry arose when the landlords, while refraining from actual participation in sheep-farming, took advantage of the great demand for land to extort from the tenants higher rents and heavy fines for the renewal of their tenancies, or turned them adrift in favour of those who were more willing or able to comply with their exactions. This pressed hardly upon the poorer tenant, who "dare not say nay, nor yet complain"⁵, and who "two or three years ere his lease end must live to his lord for a new lease, and must pinch it out many years before he keep money together"⁶. "At the vacation of his copy or indenture", says Greville, the tenant "must pay whatsoe'er as much as

¹ *Trugges' Petition* (1594) in *Archæologia* (new ed.) 10, 35.

² "John A. Deyce", in *the L. of the West* (new ed.) 10, 11. See also *De Witt's*, 11, 41.

³ "The Way to Wealth", in *Works* 11, 111.

⁴ *Final Court in the Court of Requests*, 100.

⁵ *Wiltshire, Surveyors' Petitions*.

⁶ *C. Deyce, Description of the Wiltshire, or Wiltshire, Surveyors' Petitions*, 11.

would purchase so much ground, or else sold in lots, though he, his wife and children, should perish for lack of habour"¹. A biting epigram on the Rent-Raiser tells how

"A rent that had lands
of ten pound by year,
Surveied the same,
and let it out dear,
So that of ten pound
he made well a score
More pounds by the year
than other did before"².

Tyndale³ appealed to the landlords to rent "content with their rent and old customs", and Latimer denounced their action with characteristic vigour: "You landlords, you rent-raisers, I may say you steep-locks, you unnatural lords, you have for your possessions yearly too much. For that [which] heretofore went for twenty or forty pounds by year—which is an honest portion to be had gain in one lordship of another man's sweat and labour—now is let for fifty or a hundred by year"⁴. Ground down by 'covetous lords'⁵ who raised their rents or exacted excessive fines, the poor were compelled to throw up their holdings. It is significant that the *Prayer for Landlords* recites "that they, remembering themselves to be the tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings"⁶. The ideal knight is represented in Robert Greene's *Quip for an Upstart Courtier* (1592), as one who "raiseth no rent, racketh no lands"⁷.

The rise in rents was attributed by contemporary writers, as we have shown, to the avaricious greed with which the landlords flung themselves into the general scramble for wealth, and they were also held responsible for the dearth of

¹ *Cromwell, Works*, 156.

² *Ibid.* 95.

³ *Divine's Treatise*, 202.

⁴ *Sermons*, I. 98.

⁵ W. Forrest, *Plainsman's Peep of Peasants' Purse* (R. E. T. S.), p. 100, 101.

⁶ *Prayer* ("Prayer"), in *Works*, 24.

⁷ *Quip* from *Works*, I. 149.

corn and provisions¹. Accordingly the expedient was proposed that commissioners should be appointed to value farms, and fix their rents "as they were let at forty years ago."² It is true that the new nobility, created out of the spoils of the abbey lands, were to all appearance not very scrupulous in their treatment of the old tenantry, and Hailes may have had the rich upstarts in mind when he used the bitter words: "Is it not a pitiful hearing . . . that man which was ordained of God to be a comfort for man . . . is now clean changed and is become a wolf, a devourer and consumer of men?"³ None the less it is difficult to believe that everywhere the minds of men became perverted by the new opportunities of acquiring wealth, or that the foundations of morality and just dealing between landlord and tenant were suddenly undermined. In the first place, changes in the currency were effecting a great revolution in the general level of prices. The value of money was depreciated, partly on account of the debasement of the coinage, and at a later period⁴ owing to the influx of precious metals from the Peruvian mines. The extent of the debasement may be gauged from the fact that while in the early years of Henry VIII's reign 12 den. of alloy were reckoned to 11 oz. of silver, in 1544 there were 6 oz. of alloy to 6 oz. of silver, and in 1551 there were 9 oz. of alloy to 3 oz. of silver⁵. A ballad written during the Protectorate of Somerset told how

"This coin by alteration
Hath brought this devaluation,
Which is not yet all known,
What mischief it hath sown."⁶

The author of the *Discovery of the Common Weal*, written about 1549, accurately traced "the source and original

¹ *Ballades*, *Antiquary Misc.* 117; *Country, Dialogue*, 178. *Parvus Placatus Prope*, p. 107.

² *Parvus*, *op. cit.* p. 108.

³ *Country*, *h. App.* § 20.

⁴ *Taverner, Ancient Politics* 302, would seem certainly to antedate the period named. "American silver upset all traditional standards of price-money."

⁵ *R. Harding, A Guide to Coinage* (1849) 1, 300-301.

⁶ *Van Poyck, Van Do.* in *Antiquary Misc.* 1, 126.

cause' of the dearth to the debasement of the currency. But the fall in the value of silver is not the only explanation of the rise in rents, for the enhanced price of land had attracted attention before Henry began to debase the coinage. "Another [thing] there is", wrote Thomas Starkey about 1538, "which few men observe, which is the enhancing of rents of late days induced" and he complains of the dearth "which is among us raging"¹. One important cause of the rise, apart from changes in currency, was perceived by Lever in a sermon, "Made in the Strouds in Poole". He told the farmers, with the outspoken directness of his generation, that "to get your neighbour's farm ye will offer and desire them to take better, finer and rente, more than they look for or than yee yourselves be well able to pay"².

It would throw considerable light upon the problem, if we could determine how far the rise in rents may be attributed to the avarice of the landlords and the free play of commercial forces, and how far it was really forced upon the landlords as self-protection on account of the changes in prices. This much at least is clear: the landlords were confronted with the alternative of raising the rents of their tenants, or continuing themselves with an income which no longer corresponded with its nominal value. How seriously they were affected by the debasement of the currency may be gauged from a statement made by the privy council in explanation of its failure to raise money for the recovery of Calais: "The noblemen and gentlemen for the most part receiving no more rent than they were wont to receive, and paying their as much for everything they provide, by reason of the increase of the money, are not able to do as they have done in times past"³. The situation, in fact, as it presented itself to a sixteenth-century landlord who had no desire to exploit his tenantry unfairly, was more complex than at first sight may appear. Under the circumstances the best solution perhaps would have been to raise rents all round, in such a way as to maintain the landlord's income

The post-
debasement
landlord.

¹ *Starkey*, 272.

² *Sermons*, 30.

³ *Secret History of the Reformation*, v. 492.

exactly at its old rate of purchasing power, and to apportion the burden equitably among his tenants. But this solution was impossible. The most numerous class of landholders were copyholders and leaseholders, and their rents could only be touched when copyholds and leaseholds came to an end. The expiration of indentures, however, would only occur at irregular and infrequent intervals, and whenever it did happen their holders bore the whole brunt of the lord's demands. Moreover, in a great many cases rents were fixed, and it was beyond the lord's power to increase them. Here the copyholder enjoyed an unearned increment, since his rent remained stationary in spite of the fall in the value of money and the consequent rise in the value of land. On the manor of Wilburton a virgate worth seven pounds paid one pound¹, and there is abundant evidence that customary rents continued during the sixteenth century. The failure of the landlord to intercept the surplus value in the shape of an enhanced rent compelled him to adopt more drastic expedients. Every copyholder upon his entry to the holding paid an admission fine, and on two manors out of every three, fines were uncertain². This enabled the landlord to capitalise the increment and levy the whole sum as the price of admission. But it was obviously less of a hardship for a tenant to pay an increased rent based upon an estimate of the real value of the holding, than to be confronted with demands which must often have been practically prohibitive. An example of arbitrary fines comes from the manor of Tilagden³, where the lord extorted a fine of thirty shillings upon copyhold of which the yearly rent was five or six shillings, that is, an equivalent of five years' rent. Not until 1551⁴, it would seem, was the legal rule established that two years' rent was the common law maximum of an uncertain fine, though this was one of the demands put forward in the *Pilgrimage of Grace*.⁵ Hence the result was brought about that a system devised

¹ *English Hist. Review*, ix, 136.

² On the manors investigated by Dr. Stenton the fine was certain on 18 manors and uncertain on 38. *Quarterly Journal of Economics*, xix, 22.

³ *Actual Cases on the Star Chamber*, ii, 17.

⁴ *Ibid.* ii, p. 122.

⁵ *Luttrell and Peters Entry VIII* 25, 207.

is the interest of the tenants¹ really turned to their disadvantage. This curious circumstance can best be explained on the ground that the protection afforded by custom was only partial, and it is the tale of half-measures to injure the interests they are designed to serve. In fact the combination of fixed rents and arbitrary fines tied the lord's hands in the direction where economic pressure could perhaps have been best justified, and gave him unlimited power in the direction where economic pressure was bound to be removed. Accordingly the statement that "the effects of limited custom and arbitrary admittance payments were, to a large extent, counterbalanced by the fixity of customary rents"² needs perhaps to be reversed; the protection afforded by an immovable rent was greatly diminished when accompanied by the liability to a variable fine.

(2) The consolidation of farms, the displacement of the peasants from their holdings, the exaction of such rents and excessive fines, the enrichment of the commons, all contributed to foster the rapid growth of pauperism. "There were no rates for the poor even in my grandfather's days", wrote the historian of Wiltshire³ (p. 1330). "Since the Reformation and Enclosures these parts have swarmed with poor people. . . . Enclosures are for the private, not for the public good". Roger Ascham declared in a letter to the Protector Somerset that the life which now so many lived was not life but misery⁴. Styrpe cites a sermon preached by Bernard Gilpin before Edward VI.: "Thousands in England beg now from door to door who have kept honest houses"⁵. A familiar sheep tract asked, "Whether shall they go? Forth from shore to shore, and to be scattered thus abroad . . . and for lack of masters, by compulsion driven some of them to beg and some to steal"⁶. The alarming increase in the numbers of the poor was viewed

¹ H. Leonard, "Custom and Change in Sixteenth-Century England", in *English Historical Review*, xlviii, 1933, 209. ² *Ibid.*, 27, 28, 29.

³ *Antiquary History of Wiltshire*, ed. F. H. Stott, 1890, *Customs and Customs Fields* (1887), 20.

⁴ Claryng, *Seven Changes*, 68.

⁵ Styrpe, n. 127.

⁶ "Cattle to Cows", in *Other Supplications*, 28.

with the liveliest concern. "Whereas new London, being one of the flowers of the world as touching worldly riches, hath so many, yea innumerable of poor people forced to go from door to door and to sit openly in the streets a begging, and many, not able to do for other, but lie in their houses in most grievous pain and die for lack of aid of the rich, to the great shame of thee, O London!"¹ Those who were suddenly thrust out of their employment were reduced to wander "from door to door and ask their alms for God's sake. And because they will not beg, some of them do starve and then they be hanged, and thus the realm both decays."² Crowley also wrote in a similar strain: "If the sturdy fall to stealing and robbing, then use yee the censure thereof, for you dig in, cadence, and withhold from them the earth out of the which they should dig and plough their living."³ At the same time, the dislocation of the economies aggravated the evils inseparable from all periods of transition by flinging upon the country-side the multitude of beggars whom in the past they had absorbed. The institution of a national system of poor relief became an imperative need; religious and voluntary agencies were no longer able to cope with the situation, but broke down completely before the advancing tide of pauperism. While many circumstances contributed to the spread of destitution in the sixteenth century, the constitutional changes which were taking place in the organisation of rural society introduced a new and ominous factor. There was much suffering and misery in the Middle Ages⁴, but to all appearance the labour market was not oversaturated, and there was generally employment to be found for those who were able and willing to work. After the Black Death there was a notable rise in wages, in accordance with the principle laid down by Cobden: when

¹ H. Bevelin, *The Examinations of a Clergyman against the City of London* (S.R.T.S.), 92. The date is 1545. Cf. Strick, "Antiquity of Alms," in *Ballads* 2, 30. *Complete Concord*, 102.

² *Works* 104. Cf. *History of England*, 15. "In an inventory of Christendom, for the number of people you shall find no more beggars to be there as England, and more more than have been before long."

³ In 1515 the number of poor coming to Westminster to the house of St. Edward was estimated at a hundred thousand, which would appear greatly exaggerated. *Parson's Tale*, 1591-1592 p. 150.

two employers run after one man wages rise, when two men run after one employer wages fall. But in the sixteenth century there was a superfluity of agricultural labour, and society was now confronted with a problem for which it has still to find a satisfactory solution, the problem of the unemployed.

(c) The social discontent of the sixteenth century found vent in numerous riots and insurrections. "I think", said the Doctor in the *Disposers of the Common Foot*, that enclosures are "the most occasion . . . of these wild and unhappy uprisings amongst us . . . Hunger is a bitter thing to bear. Wherefore, when they lack, they must murmur against them that have plenty, and so stir up these tumults". In London¹ and other towns² the citizens took the law into their own hands, though unlawful assemblies to pluck down hedges were forbidden by proclamation³. It is uncertain to what extent the rebellions of the period were due to the enclosing movement. The uprising in the west of England under Edward VI was brought about by the religious discontent, though the Bristol chronicler attributes it in part to enclosures⁴. The men of Cornwall and Devon expected the First Book of Common Prayer; the use of the liturgy in the vernacular was no boon to men in whom the English tongue was stronger than the old traditional phrases. The revolt in the eastern counties, on the other hand, was provoked by the enclosure of the commons. The Oak of Reformation under which Kent the Tanner disposed justice symbolised the reformation not of church, but of state⁵. In the list of grievances drawn up by the insurgents there is no reference to the conversion of arable into pasture, and the grievance upon which they fastened is the enclosure of the common waste. "We pray your grace", ran their petition, "that no lord of no manner shall commence upon the

¹ *Four
Petitions*.

¹ *Disposers* 36-37.

² R. Hitchcock, *Chronicles* (1861), iv, 399.

³ Adams's *Chronicle of Bristol* (ed. F. E. Fox, 1904), 90. *Last Sheet of Coventry* 12-14, 109.

⁴ *Chronicle, Catalogue of Tudor and Stuart Proclamations* (1906), i, 30 (1538). *Illustrations, Acts of the Privy Council*, 1538-9, 9-117 (1538).

⁵ Adams's *Chronicle*, 100: "he takes them off religious mischief, upon as well as the commoners".

⁶ *Papers, History of England* (ed. 1722), v, 18.

commons"¹. The attempt to exclude the lord from rights of common, and to confine them to freeholders and copyholders, measures the full force of the reaction against the landowner's encroachments upon the common lands. The causes of the Pilgrimage of Grace are more difficult to ascertain, because a variety of motives were at work. The lords were hostile to Henry VIII's connections and sought to reverse the religious changes which they had initiated. Robert Aske in his examination declared that "the suppression of the abbeyes was the greatest cause of the insurrection"; he "did grudge" against the dissolution of the monasteries "because the abbeyes in the north parts gave great alms to poor men and laudably served God"; whereas now not only did the poor lack "rent, cloth and wages", but travellers and strangers also suffered, "for none was in these parts dared, neither horse-meat nor man's meat"². But economic grievances were unquestionably a factor in the situation. The rebels would be largely recruited from the ranks of evicted tenants³, who would be easily induced to impute their economic degradation to the religious crisis. Order was taken for the "cutting down of enclosures of commons"⁴, and among other demands the insurgents sought (i) that the statute for enclosures and intrusions should be executed, and all enclosures and intrusions made since 1483 should be pulled down; (2) that certain lands in the north of England should be held by tenant right, the lord to receive an admission fee a 'grossum' not exceeding two years' rent⁵. We need not speak in detail of the major insurrections. There was a rising in Lincolnshire in 1536, and again in Buckinghamshire in 1539. Local disturbances continued during the reign of Elizabeth⁶, and though not serious in

¹ *Temporibus repositis in Franciâ, Hen's Addition, ch. 12 and 13* (Coxton, *Robert Aske and the English Rising* (1929), App. III).

² H. Hauser, "The Pilgrimage of Grace," in *English Hist. Review* 5, 224, 226. But the Revue's researchers seem to show that the extent of economic hardship and hostility has been exaggerated. *English Manuscripts*, 151: 221, 285. ³ A. F. Pollard, *Rising 1536* (1902), 128.

⁴ *English Hist. Review* 5, 226.

⁵ *Laws and Custom Henry VIII* 22, 207.

⁶ *Trans. Royal Hist. Soc. N.S. ser. 114*, Twenty, *Agriculture Problems*.

character they serve to indicate the direction in which the tide of social changes was still flowing.

While the agrarian changes were in progress the government did not remain indifferent to the social unrest, and measures of reform were attempted. It was an essential feature of Tudor policy to foster the prosperity of the yeomanry, from whose ranks were recruited the defenders of the realm. The husbandmen were recognised as "the body and the stay"¹ of the kingdom, and they made the best infantry when "bred not in a servile or indigent fashion, but in some free and plentiful manner"² just as fishermen made the best seamen. Sheep-breeding, on the other hand, meant "great decay to artillery, for that do we reckon that shepherds be bet ill soldiers"³. If the depopulation of the country-side went on unchecked, there would come to pass "a more solitude and utter desolation to the whole realm, furnished only with sheep and shepherds instead of good men; whereby it might be a prey to our enemies that first would set upon it"⁴. The act on behalf of the Isle of Wight laid particular stress upon the danger of foreign attack: "If hasty remedy be not provided that lile cannot be long kept and defended, but open and ready to the hands of the king's enemies"⁵. Henry VIII, from fear of invasion found it necessary to build many "castles and bulwarks" on the coast, and was driven to employ mercenaries⁶. The realm, observed a royal proclamation against enclosures in 1548, "must be defended against the enemy with force of man and the multitude of true subjects, not with flocks of sheep and droves of beasts"⁷. Apart from the fear of foreign invasion, which was seriously apprehended during the sixteenth century, depopulation also involved a diminution of taxes and subsidies, for "the more gentlemen", says Bacon, "over the lower books of subsidies"⁸. The universities and schools shared in the prevailing social and economic dislocation, for the yeomanry, according to Lefevre, were "not able to put their sons to school, as indeed

*Agri-
culture
of
the
Tudors*

¹ *For Populi Pro Re*.

² *Christians Cause*, 100.

³ *Shroton*, ii, 347.

⁴ *Ibid.* ii, 35.

⁵ *Bacon Works*, vi, 95.

⁶ *Shroton*, 98.

⁷ *Shroton*, ii, 349-50, 351.

⁸ *Ibid.*, p. 303.

Goverment do wondrously decay already" ¹. The *Supplication of the Poor Commons* also complains that they could not send their children to school, because they must labour to help to pay the rent ².

*John
Stratton*

The first general statute passed in restraint of sheep-farming was in 1489; it recited the evils arising from the destruction of hamlets and the conversion of cultivated land into pasture ³. This was followed in 1535 by an act which ordered that within one year all land converted to pasture should be returned to tillage, subsequently the statute was made perpetual ⁴. The act of 1535 would doubtless have shared the fate of its predecessors, if supplementary steps had not been taken to confirm it. Of all Tudor statesmen, Wolsey and Somerset were the only agrarian reformers who made a really serious effort to extirpate the evils arising from sheep-farming. In 1537 Wolsey appointed a Commission to inquire into all enclosures which had taken place since 1488. Offenders were impleaded in Chancery and compelled to enter into recognisances to destroy their hedges ⁵. Further acts ⁶ were passed in 1534 and 1536, and repeated proclamations reiterated the injunction to lay open all enclosed lands, throw down hedges, and occupy but one or two farms at the most ⁷. The fear of an insurrection, which eventually did break out, induced the government to appoint a fresh Commission in 1548. Somerset, who deserves recognition as a social reformer, lent all the weight of his authority and active sympathy to the Commission. "Maugre the devil", he declared, "privie profit, self-love, money and such-like the devil's instruments, it shall go forward" ⁸. It was the policy of Thorough applied to a better cause. The instructions of the Commissioners were to make enquiry what villages and hamlets had decayed as a result of enclosures into pastures since the opening years of Henry VII.'s reign;

¹ *Somerset*, I. 110.

² *Ibid.* II. 307.

³ *Tudor and Stuart Proclamations*, I. No. 124, 125.

⁴ *Ibid.* II. 257 for one who is to keep more than seven sheep or to hold more than two hundred *ibid.* II. 321.

⁵ *Tudor and Stuart Proclamations*, I. Nos. 109, 111, 112, 113 and 114. The dates are respectively 1534, 1536, 1539 and 1548.

⁶ A. F. Pollard, *England under the Tudors* (1898), 173.

⁷ *Four Supplications*, 30.

⁸ *Ibid.* II. 109, 110.

how many persons kept two thousand sheep or more, what common lands had been seized into private hands and whether the grantees of abbey lands maintained as much land in cultivation as was kept before the suppression¹. The leading spirit of the Commission was John Hales, and his 'charge' or opening address sums up in an effective manner the policy of the government. In words recalling the doctrine of Reskin that the only real wealth in life, he said: "The force and puissance of the realm consisteth not only in riches, but chiefly in the multitude of people. But . . . whereas there were in few years ten or twelve thousand people, there be now scarce four thousand"².

The question how far the legislation of the Tudors³ was effective is a difficult one. On the whole our impression is that, while not altogether ineffective, it was yet powerless to stem the current of agrarian changes. In 1548 the government confessed that its measures had not "wrought the effect that was hoped should follow"⁴. "Let the preacher", cried Latimer despairingly, "preach till his tongue be worn to the stump, nothing is amended. We have good statutes made for the commonwealth as touching commoners and enclosures, but as the real of the matter there cometh nothing forth"⁵. And again: "There have been many good laws", Hales reminded the Commission in his 'exhortation', "made for the maintenance of houses and husbandry and tillage"⁶, but all to no purpose. It has been regarded as "one of the strongest forms of testimony to the strength of the social movement . . . that it could advance to its completion notwithstanding the steady opposition of the strong Tudor monarchy"⁷. This is doubtless true, but the explanation lies in the fact that the vigour of Tudor administration depended upon the loyalty and good-will of the justices of the peace, the pivot of their local government.

¹ *Tudor and Stuart Parliaments*, I, No. 390; *Strype*, i, App. Q, 13.

² *Ibid.* i, App. Q, 14.

³ Other acts prior to the accession of Elizabeth are *Statutes in part*: 134, 154 (*Strype*) and 15112. *Commonwealth* were also repealed in 1561 and 1864. The statutes for 1548 and 1561 are *lost*: *Quarterly Journal of Economics*, 1907, 177.

⁴ *Strype*, i, App. P, 47.

⁵ *Strype*, i, App. Q, 15.

⁶ *Strype*, i, 160.

⁷ *Cherry, Social Changes*, 19.

The justices, however, were the very men whose interests were so closely identified with the agricultural revolution. They displayed undimmed energy in executing the stacks of statutes piled upon their shoulders, penal laws against riotousness, measures to relieve pauperism, regulation of wages and prices. But the Tudors were powerless to carry out a policy which was unacceptable to the middle classes; their strength was also their weakness and there were definite limitations to their authority. This seems to have been recognized, at any rate by Edward VI. "These men", he severely remarks, "should be put from being justices of the peace that be touched or blotted with these vices that be against those new laws to be established; for no man that is in fault himself, can punish another for the same offence"¹. The Commissioners appointed by Wolsey and Somerset were bitterly resented by the landowners, and their hostility to the agrarian policy of the two statesmen was among the factors which contributed to being about their overthrow². The Protector, even when confronted with the rebellion in Norfolk, was anxious to solve the social problem on broad and sympathetic lines. "I have heard in deep secret", wrote the Imperial Ambassador to his master in 1549, "that the Protector declared to the Council as his opinion, that the peasants' demands were fair and just; for the poor people who had no land to graze their cattle ought to retain the commons and the lands that had always been public property, and the noble and the rich ought not to seize and add them to their parks and possessions"³. But Somerset was ruined by his rival and successor, Warwick, who was himself deeply implicated in the enclosing movement⁴ and threw all the weight of his powerful influence on the side of the landowners. Moreover, men who were bent on defying the law found evasion easy. It was futile to curtail the number of sheep which a grazer might keep, when "some to colour the multitude of their sheep rather

¹ *Forest: History of the Reformation*, p. 100.

² One of the charges against Wolsey was that he had sought "to execute the statute of enclosing." *Letters and Papers Henry VIII.* iv. part ii. p. 489.

³ *Col. of State Papers Spanish*, vi. 252.

⁴ *Shakespeare* ii. 48.

share on their children, kinsfolk and servants' ¹. The penalties against the conversion of arable to pasture could apparently be evaded by the simple expedient of driving a single furrow across the field. Again when the Commissioners sought to collect evidence, every obstacle was placed in their path, and Skyles in his Defence states that some had their servants sworn upon the jurist, "and as I have learnt since, it is not possible in any of the shires where we were, to make a jury without them, such is the multitude of retainers and hangers on" ². Landlords brought pressure to bear upon their tenants, and threatened to turn them out of their holdings if they presented the truth. Thus in 1537 the curstible of Ascot in Oxfordshire with three husbandmen complained to the Court of Requests that they had been "bidden," after right high and cruel manner, to avoid their farms and tenancies to their undoing" ³. The fundamental error of Tudor statesmanship was the failure to give the English peasant a clear legal title to his holding. This alone could have checked depopulation, saved the commons, and spared rural society intense suffering and misery. So long as the landlords were allowed to retain their legal rights, all expedients to protect the tenantry were short palliatives. Somerset showed the sincerity of his motives by taking steps to safeguard his own tenants from expulsion ⁴. In the alternative the best proposal was put forward by the author of the *Discourse of the Common Weal*. Hales recognized that the current legal devices were powerless to stem the tide. "It were hard to make a law therein, so many as have profit by that matter resisting it. And if such a law were made, yet men . . . would subvert the law." His remedy was "to make the profit of the plough to be as good, rate for rate, as the profit of the grazers and sheep-masters". This was to be done by prohibiting the export of wool and permitting the export of corn. He appealed to man's self-interest, for every man would seek "where most advantage is"; accordingly he advised that the profit of corn-growing should be increased, and that of

¹ *Statute B.* 499, G. 30.

² Appendix (p. 100.) to the *Discourse*.

³ *Trans. Royal Hist. Soc. N. S.* xviii, 112. ⁴ *Ibid.* xv, part 1, 126.

grazing diminished. Otherwise, "the pasture shall ever increase upon the tillage, for all the horse that ever can be made to the contrary."¹

Value of
wheat
during
agitation

We have endeavored to depict the agrarian changes of the nineteenth century in the light in which they appeared to contemporaries. It is equally necessary to observe that if we interpreted literally contemporary statements, we should form an exaggerated estimate of the economic crisis brought about by the agricultural revolution. It would be a mistake to minimize its importance, for the innovations engendered by sheep-farming were unquestionably of a sweeping nature. The eviction of tenants, the decay of farm-houses, the increase in pauperism were other realities. Tabor legislation, the work of men who were not easily moved by sentiment or mastered by an overpowering concern for social welfare, as well as the unanimous views of the most diverse writers, Nass, Lever, Cresley, and the evidence of countless pamphlets of every description, are decisive in their proof that rural society was deeply affected. But the difficulty with which we are now confronted is to determine more exactly to what extent rural society was affected, and how much reliance we are to place upon the literary evidence. This much may be ventured: the literature of the period must be read with the extreme caution. It has injured many fine qualities, for in its outspoken protest against economic oppression it breathes the spirit which moved Howard of all, and is slowly beginning to permeate our own generation. Its weakness is that its writers were apt to be carried away by their own passions, while their scientific equipment was of the slenderest.

See the
agitation

To begin with, both the magnitude and the extent of the agrarian changes were often much exaggerated. In a well-known tract written about 1830, entitled *Cottage Candles gathered together wherein is shown the decay of England, only by the great multitude of sheep*², the writer asserts that there were "towns and villages to the number of fifty thousand and upstart, and for every town and village—

¹ *Ibid.* 29, 31 seq.

² *Four Supplements* 202.

take there are with another throughout all—there is one plough decayed since the first year of the reign of King Henry the Seventh." Upon this basis it is argued that 500,000 people had been thrown upon the country. These figures are not without interest because they represent a popular estimate, but they are obviously worthless and afford a ridiculous warning against any reliance upon contemporary statistics. Another writer tells us that sheep-farming had destroyed four or five hundred villages in the midland counties¹. Fortunately we have a more trustworthy source of evidence in the returns of the two Commissions held in 1537 and 1567. The former covers twenty-four counties and the latter six in the Midlands, the chief centre of the enclosing movement, but both are very incomplete, and this must be taken into account in drawing any deductions from them. Of the whole area comprised in the twenty-four counties the acreage affected in 1537, after no less than thirty-two years of change, was about a half per cent. or one acre in every two hundred; the proportion for the six counties in 1567 after twenty-nine years of enclosure was a 33. On the basis of the information gathered by the two inquiries, Professor Gay has conjectured that the percentage of the total area enclosed for sheep-farming between 1535 and 1567 was a 76, or about half a million acres.² Now even if ample allowance is made for a large margin of error and their figures are doubled, they would still serve to show that the movement, while general throughout the country, was not so far-reaching as the statements made by contemporaries would incline us to suppose. We need not charge them with wilful misrepresentation in order to account for the sweeping assertions in which they sometimes indulged. Society seemed in men's eyes to be drifting away from its traditional moorings into a water of chaos and social anarchy, and they were naturally led to exaggerate the importance of changes which gripped so sudden a breach with the old order.

¹ "A Treatise concerning the Sheepe" in *Early English Text Society* ed.

² E. F. Gay, "Inclosure in England in the Seventeenth Century," in *Quarterly Journal of Economics*, 1901, 261, 262-267; "The Midland Revolt," in *Trades Unionist*, May 2, 11, 1902.

And
 given by
 of 17th
 accounts
 returns of

These statistics lend colour to the view that contemporary writers drew an exaggerated picture of the actual condition of affairs; in any case they certainly serve as a check upon the imagination. But we may easily fall into the opposite error of minimising the real gravity of the movement. In the first place, the returns made by the Commissioners were collected in the teeth of better opposition, and there is reason to believe that they fall considerably short. A more serious defect is that we are not told what proportion of land actually under cultivation was affected by the enclosing movement; it is not enough merely to know the proportion of enclosed land to the total arable of the county. This consideration is all the more important when we bear in mind the great extent of forests and waste. Every manor had a large area of waste, and forests¹ covered much ground in certain counties. Again, social statistics and percentages, while their value is indisputable, may sometimes tend to obscure a true perspective of the social and economic situation. The inhabitants of a whole village might be turned adrift, and the suffering and general dislocation entailed by their evictions would be very inadequately expressed in the statement that a hundred of acres out of every two hundred in the county had been enclosed, or a hundred of families out of every hundred reduced to poverty. On the whole, however, one or two conclusions may be hazarded. There is every reason to believe that the agrarian changes of the sixteenth century reflected intense hardships and often actual destitution upon the population of many rural districts. The accounts given by contemporaries were as a rule not fanciful, but represented a condition of affairs that can be supported by unimpeachable evidence. On the other hand, they exaggerated the extent of the enclosing movement; they regarded as normal, occurrences which were after all only occasional. Taking the country as a whole, the agricultural revolution affected a smaller area than is usually supposed. At the end of the sixteenth century England was still a land of open fields and common waste, and in the next century the movement continued in certain parts of the country on an

¹ E.g. see *Leland, Itinerary, p. 100*.

extensive scale. We can no longer hold that the common fields were speaking generally, "undisturbed for a century and a half" (1500-1750)¹; the seventeenth century, it is now recognized, was not "a period of repose"².

Two other considerations merit attention. The growth of the textile industries would disclose opportunities of employment to many who were cut adrift from the soil. One famous clothier of the fifteenth century, John Tuke, kept large flocks of sheep at Farford, and the wool produced there was washed up in his manufactory at Cirencester³. The undoubted increase in vagrancy and destitution during the Tudor period forbids us to lay too much stress upon the openings provided by the cloth trade. Still, we may suppose that the development of grazing would have its compensations in the districts where it was most stimulated, namely, where the woollen industry was established, and could absorb some of those who were thrown out of employment. The agrarian changes were spread over a considerable period of time, and rendered it more possible for those affected to find alternative means of subsistence. It must not be assumed that the core-growing districts where the textile industries were least developed, and where endowments called forth the chief disturbances, were those in which the movement was necessarily advancing most rapidly. The

History of
the
woollen
industry

¹ *Wobley, Economic History*, II, 166. May we not hold that "about 1550 the movement somewhat slackened"? Some of the later decades seem to be periods of not less 'perceptible change' than the earlier decades. For the geographical distribution of the enclosures movement see map in Johnson, *Disappearance of the Small Landowner*, etc. (based on Gay's letters in the *Quarterly Journal of Economics*, 1902), and also *Geographical Journal*, 1902.

² In May a proclamation announced that "the king is not contented wth the state of agriculture and of the time he suffereth by depopulation. Tudor and Stuart Proclamations, I, No. 1012. Balfour contrasted to Browne's endowments and "ye gentlemen that each your seals and three shews hold in care"; C. H. Firth, "Social History of James I.", in *Trans. Royal Hist. Soc.* 1902, p. 34, 35. Similarly, *The Starvinge Relation*, 1610. The ballad of the "Northern Beggar Boy" (c. 1555) contains the lines:

"My fields be open as the high way
I bring out the country by weekly carting."

On the Midland Revolt (1605), see Gay in *Trans. Royal Hist. Soc.* 1902. On seventeenth-century customs, see Leinard, *ibid.*, 1901, and Thomas, *Common Land and Enclosure*, 1910, p. 102, 2.

³ *Journal of the British Archaeol. Association*, 1890, 115.

greatest outcry came from the Midlands, yet at the close of the seventeenth century these counties were less enclosed than many other counties in England¹. We may perhaps infer that pasture farming created most potent where opportunities of industrial employment were most restricted; that on this account the government was forced to take more active steps to protect the population, and so the movement really made less progress here than elsewhere. Hence the extent of the opposition aroused by enclosures may serve to measure the tardiness rather than the rapidity of the agrarian changes, where other sources of livelihood were want, popular clamour would be most instant and most effective. Again, there was to all appearance no appreciable scarcity of corn or other provisions, in spite of the limitation of the corn-growing area. Complaints were sometimes made that "all manner of victuals both born dear" (1729), and that "sheep and sheep-masters doth cause scarcity of corn" (1730)², and a proclamation complained of the dearth of provisions in 1731³. It was also said that prices had risen: but apparently this was due to the debasement of the currency. It is probable that the curtailment of the arable land was balanced by the increased quantity of crops raised on the enclosed farms where cultivation was now pursued with more skill and initiative. Moreover, the fortunate succession of favourable seasons⁴ helped to tide over the evils associated with all periods of transition.

¹ *From Royal Hist. Soc. Ann. 1893*. Cf. Northamptonshire, "the enclosed county, *par excellence*," it was said in 1771 that "the main body of the country is sheep-range" (*open field*)—*Quarterly Journal of Economic Soc.* 1892.

² *Bulletin from MS.E. 1. 18* (1729), *Calendar Cases* 13 (1730).

³ *Public and Secret Proclamations*, 1. 284, 307.

⁴ *Deane*, 92.

CHAPTER V

THE GROWTH OF TOWNS

In the Middle Ages industry and commerce played a subordinate part in the economic life of the English people. The wealth of England lay in her fields, not in her workshops or factories, and the great mass of the nation followed the plough and were tillers of the soil. The typical figures of mediæval society were the knight and the husbandman rather than the artisan and the trader, and while many towns attained prosperity, the agricultural element was always present and often predominant¹. At the end of the thirteenth century half the inhabitants of Colchester had no other occupation than tillage², and everywhere the ordinary pursuits of urban life were made secondary to the more important needs of agriculture. At London the holding of the Hustling court was suspended in the harvest³, and a statute of 1385 laid down that all artificers of whom craft "a man hath no great need in harvest-time shall be compelled to serve in harvest, to cut, gather and bring in the corn"⁴. As late as the sixteenth century the weavers of Norwich were forbidden to work at their craft during the harvest month "for the relief and help of husbandry", since tillage was said to be "much decayed for want of laboure"⁵. The sharp cleavage between town and country, in some respects the most striking feature of modern economic conditions, is in fact the product of industrial forces which exerted but slight pressure in earlier times. For centuries

The great
distinction
between town and
country life

¹ F. W. Maitland, *Township and Borough* (1891), II, c. 1. Green, *Old London* (1892), I, 2, 3.

² *Pub. County Hist. Assoc.*, n. 100.

³ *The London Custom* (ed. T. Stapleton) (1897). ⁴ *Statute*, II, 28.

⁵ *Records of Norwich*, ed. W. Maitland and J. C. Ingram, n. 207 (1905).

English towns were scarcely more than large-stead villages, and their pre-eminence consisted chiefly in the fortified walls or mound, behind which the inhabitants found shelter and security, beyond these walls lay the broad acres and open fields, the meadows and pastures, that were part and parcel of the townsmen's heritage. In the case of the medieval borough and in the economy of the mediæval burghers, the town-fields occupied a place no less important than the restricted area where stood their houses and shops. At Leicester¹ the space within the circuit of the walls covered a hundred and thirty acres, while without it was almost thirty times the number. This explains the importance attached to the actual penetration of the city boundaries², for the right to pasture cattle on the town meadows constituted a valuable appendage to the rights of citizenship. The Survey of 1086 records that "all the burgesses of Oxford have common of pasture without the wall", and to this day freemen are still entitled to send their cattle to Port Meadow³. At Northampton a bye-law of 1353 enacted "that no man shall keep more for his franchise than three beasts upon the commons in all", and in other towns also it was forbidden to overstock the commons⁴. Indeed, throughout the Middle Ages the urban community never completely lost its rural characteristics. The offices of *porter*, *crier*, *hogherd* and *hardman*⁵ survived even in the sixteenth century among the institutions of town-life, and repeated injunctions were necessary to prevent stray cattle from wandering about the streets⁶. The importance of the

¹ *Records of Leicester*, I, p. 28.

² *County List Book*, i, 23. For 1417, R. Brown, *Death of Spanish* (1884), 146.

³ J. Parker, *Early History of Oxford* (1871), 300.

⁴ *Records of Northampton*, i, 107-108, 8, 217; *Leicestershire Court List Records*, ed. F. J. C. and D. H. Stoddart (1902), 30-31; *Leicestershire Court List Records*, ed. W. Hutton (1902), 20.

⁵ *Records of Northampton*, II, 112; *Records of Leicester*, III, 103. For *Porter* *hogherd* of *crier*, ed. W. G. Hoskins (1902), 132.

⁶ The list of towns where this regulation is found shows how extensively agricultural life penetrated its urban centre. *County List Book*, i, 27; *Records of Leicester*, i, 107; *Records of Oxford*, ed. W. H. Turner (1884), 104, 127; *York Minsterward Book*, ed. W. Hutton (1902), 2, 16; *Wrenbury of London*, ed. H. T. Riley (1888), 20; *Records of Warwick*, i, 207; *Out Book of Gloucestershire*, ed. F. Stoddart (1902), i, 22; T. Green, *History of Worcester* (1893) II, 499, 500.

agricultural element in the borough community was rigidly shown during the agrarian revolution, when the townsmen rose in defence of their commons. At London in 1503, according to the account given by Holmeshed, "the citizens of London finding themselves grieved with the enclosures of the common fields about Islington, Hoxton, Shoreditch and other places near to the city . . . assembled themselves on a morning and went with spades and shovels unto the same fields, and there (like diligent workmen) so bestowed themselves that within a short space all the hedges about those towns were cast down and the ditches filled. The king's council coming to the Grey Friars to understand what was meant by this doing were so answered by the mayor and council of the city, that the matter was desisted, and so when the workmen had done their work, they came home in quiet manner, and the fields were never after hedged"¹. For many years Coventry was torn by dissensions over the control of the common lands. Influflammatory verses were nailed on the monster door:

"The city is hard that should be free,
The right is hidden fro the commonalty,
Our commons that at Lutteras open should be cast
They be closed in and hedged full fast"².

The early history of English towns is extremely obscure. During the Roman occupation municipal life attained some degree of importance, and Colchester, Lincoln, Gloucester, York and St. Albans (Verulamium) became prominent. The first four were colonies, the fifth a municipium, and they enjoyed a privileged status. To these we may add a number of 'country towns', the capitals of Celtic cantons, Winchester, Canterbury, Eborac, Leicester, Rochester and Gloucester, but all were comparatively small, and London alone appears to have been of any real consequence³. Altogether at least thirty⁴ towns flourished in different parts of the country,

From a
British
Museum

¹ Holmeshed, *Chronicle* (1865), II. 320. *Searches at Friars' Adversary's Chronicle of Coventry* 39.

² *Coventry Lost Book*, p. 137.

³ F. Haverfield, in Newman, *Provinces of the Roman Empire*, p. 499. 253, 264 in Cambridge Ancient History, i. 520.

⁴ Cf. Peter Gwynn, *Studies Supplementary to Stubbs*, i. 92. For map of towns in Roman Britain, see Brown, *Atlas of Early England*, p. 20.

but they never attained the distinction which attached to the municipalities of Gaul and other provinces of the Empire. Moreover, whatever their condition in earlier times, it is improbable that many survived the English Conquest, and to all appearance there was no continuity of development between the towns of Roman Britain and those of Saxon England.¹ The destruction which overtook the old Roman sites was brought about by neglect rather than by violence, for the fate of Amida, as recorded in the *Chronicle*², was doubtless exceptional. None the less, "the very sites of cities", as Kemble has observed, "vanished from the memory as they had vanished from the eye"³, and it has remained for modern investigators to bring to light municipalities formerly so important as Silchester and Uxbridge.⁴ Everywhere the towns were abandoned, and where not actually destroyed by fire they were left bare of inhabitants, a fate which for many years befell even London and Canterbury.⁵ In the protracted struggle between the English invaders and the Celtic population, municipal institutions, the exotic product of an unstable civilization, were easily uprooted and swept away. But the condition of town-life in England was necessarily only temporary. The inveterate hatred of the Britons whom they had displaced, and later the Danish incursions, induced the English to seek the safety that fortresses alone could afford in troubled times. In many cases they actually turned to the old Roman cities, for the local advantages which had in the first instance recommended their sites to the Romans would be present to the minds of their successors, while their ruins furnished materials for the restoration of the walls. There is evidence that by the beginning of the seventh century⁶ the Saxons were already utilizing the Roman walls of at any rate some towns; the walls of Colchester⁷, originally a

¹ See L. Gomme, *The Making of London* (1911), 75, 82, conclude that London derived its municipal life from Roman sources.

² Anglo-Saxon *Chronicle*, A.D. 498.

³ H. Kemble, *Saxons in England* (1848), II, 303.

⁴ Cf. Gomme, *The Making of England* (1912), I, 160.

⁵ H. Haverhill, *Reconstruction of Roman Britain* (1910), 45.

⁶ A. Duffield, *Seventeenth Century* (1901), 102.

⁷ E. A. Carter, *Colchester* (1905), I, 2, 21.

British stronghold and the first town to be built in Roman Britain, have retained a large part of the Roman masonry. At Winchester¹ coins and stones, tiles and masonry, still survive in proof of a Roman settlement, and doubtless its position at the junction of two roads helped to save it from complete neglect and oblivion. The influence of Christian missionaries also told in favour of the old urban centres, and the earliest bishops settled there², an indication that Roman towns were not completely destroyed by the Saxon Conquest.

Another group of towns rose on sites entirely unassociated with Roman or British traditions; they were purely English settlements which owed their importance to the natural advantages of their situation.³ It is only towns the place where a river could be fished was of considerable importance, and Oxford⁴, as the name indicates, grew where cattle-drovers could cross the stream with ease and safety. Cambridge⁵, again, is situated where two roads meet, and its position on rising ground enabled it to control the passage of the river. Aylesbury also stands at the cross roads, and on this account its toll in Domesday Book was worth no less than ten pounds.⁶ Bristol⁷ sprang up at the point where the Avon was spanned by a bridge, and its prosperity was due to its harbour by which it became the greatest trading centre and seaport of the west and the second town in England. Exeter⁸, built on a hill, owed its prominence to the mouth of the Exe, which afforded anchorage for trading vessels and communication with the Channel. It stands, indeed, in a class by itself; it was a Roman city which apparently⁹ preserved its life from the earliest days without any breach of continuity, for it did not pass into English possession until the

Archaeol.
Antiquar.
Instit.

¹ G. W. Kruger, *Winchester* (1892), 2.

² A. Ballard, *The English Bishops in the Twelfth Century* (1914), 70.

³ E. A. Freeman, *Exeter* (1885), 2.

⁴ G. W. Haine, *Oxford* (1891), 1. On the derivation of the name, Oxford, see *Prætor's Early History of Oxford*, App. II.

⁵ J. W. Clark, *Cambridge* (1897), 1.

⁶ *Engl. County Hist., Buckinghamshire* i, 100.

⁷ W. Hays, *Bristol* (1892), i, 2-5.

⁸ Freeman, *Exeter*, 2.

⁹ Haverhill, *Engl. Antiquar.* 64.

violence of the Saxon Conquest had abated. The importance rapidly attained by the Cinque Ports¹ on the south-east coast is accounted for by their situation on the direct line of intercourse with the continent, and similarly the importance of Lincoln² is explained by its position on the Fosse Way, the high road between the north and the south. On the Severn³, famous for its fisheries, east Gloucester and Worcester, while Yarmouth, Gainsley and Scarborough were also houses of fishermen.

*Charter
mentioned*

A third group of towns developed round monasteries and castles, under whose walls the townsfolk gained shelter and protection, and to the needs of whose inhabitants they ministered. Durham was the seat of an episcopal church, and other towns grew up at the gates of monasteries. We are told in *Domesday Book*, for instance, that ten traders dwell "in front of the door of the church" at Abingdon⁴, while St. Albans held forty-two burgesses, who were worth to the abbey in toll and other revenues an annual sum of nearly twelve pounds⁵. But the most notable example in *Domesday* of the way in which towns were growing up by the side of monastic houses to provide their wants is Bury St. Edmunds. It contained "bakers, ale-brewers, tailors, shoemakers, shoemakers, robe-makers, cooks, porters, and agents. And all these daily wait upon the Saint, and the Abbot, and the Brothers"⁶. There is no question that churches and famous shrines contributed to the development of town-life by bringing together large gatherings of pilgrims and disciples, dependents and traders. These assemblies were at work also in Scotland, where the Church of St. Andrew attracted so many people that Queen Margaret erected dwellings on both sides of the Firth of Forth for the reception of pilgrims, and provided means for their gratuitous conveyance across the river⁷. At other times a royal castle or fortress formed the nucleus for a town settlement, and *Domesday* again affords an

¹ *Domesday Book*, i.

² H. S. Gurney, *England under the Angevin Kings* (1880), i. 36.

³ *Ibid.*, i. 37.

⁴ *Ibid.*, i. 122.

⁵ *Ibid.*, i. 122.

⁶ *Domesday Book*, i. 36.

⁷ *Ibid.*, i. 122.

⁷ W. F. Skene, *Early Scotland* (1857), i. 204.

example in Berkhampstead, where the count of Morten had fifty-two burgesses, who rendered in toll four pounds.¹ The growth of towns by the side of castles is especially marked in Herefordshire², where the dangers of the border concentrated urban utilities round the walls of fortresses, and most of the Welsh boroughs are said to owe their origin to the castle.³ In many cases, of course, a combination of forces must have operated. Stratford⁴ developed round a monastery at the point where a Roman road led to a ford across the Avon, while the growth of Oxford was due not only to its ford but to the great monastic houses of St. Frideswide and Cany. Cambridge, apart from the advantages already enumerated, was situated immediately where the line of communication between the eastern counties and the Midlands crosses the river. It is also supposed to have been the site of a Roman town, and in any case apparently originated in the union of two distinct communities.⁵

There is still much controversy over one theory of the origin of towns known as the 'garrison' theory⁶. A large number of Domesday boroughs are characterized by what is termed 'tenanted heterogeneity'; their burgesses were not 'poors of a tenure', but held their land of different lords, and the houses in the borough were appurtenant to rural manors. Thus Chichester contained 231 houses attached to 44 manors, and Canterbury had 176 houses contributed by 12 manors.⁷ The problem has arisen, how we are to explain this 'tenanted heterogeneity', and what was the nature of the tie which connected houses in a borough with particular rural properties. The solution has been found in the Domesday account of Oxford, where "the king has twenty rural houses", so called "because of need be, and the king commanded, they repair the town."⁸

¹ *Domesday Book* 2, 128-9.

² *Record of War County Here, Herefordshire*, 1, 320, 326.

³ C. A. Loom, *The Medieval Boroughs of Shropshire* (1911), 23.

⁴ E. Loe, *Herefordshire Towns* (1890), 20, 22, 23.

⁵ *Medieval Cambridge and Boroughs*, 32.

⁶ *Medieval Domesday Book and Boroughs*, 174 et passim (a section which grew out of an article in the *English Hist. Review*, 20, 1905), and *Boroughs, Domesday Boroughs*.

⁷ *Domesday*, 27, 127, 131.

⁸ *Domesday Book* 1, 124-5.

According to the 'garrison' theory, every shire had a fortified town to which the inhabitants repaired in times of emergency, and the duty of maintaining its fortifications was imposed upon all the landowners as part of their feudal services or military obligations. To avoid a succession of inconvenient castles, stone towers, though not all¹, maintained houses in the county borough, and furnished them with soldiers who were intended to discharge their lord's liabilities. This theory involves wide and interesting issues. The typical English borough, it would follow, did not develop out of the peace of the market-cross; it was not, in its origin, a centre of traffic where traders congregated to exchange their wares, but a fortified town serving military purposes. "The borough", says Maxford, "does not grow up spontaneously: it is made, it is 'wrought': it is 'finisheed'"². Ultimately the military aspect of the borough came to be dominated by the commercial element; the county town as a fortified place with a mint and a court was the natural centre for traffic, and offered special inducements to the trader. Subsequently other boroughs were founded with similar institutions, but they differed widely from the older boroughs, since they were 'single' boroughs whose inhabitants, united by racial homogeneity, shared the same lord between them.

This theory has met with much criticism, but the alternative hypothesis is not free from difficulties, and the question must therefore be considered as still an open one. One objection raised against the 'garrison' theory is that some boroughs contained houses belonging to manors situated in another shire³. But these were border towns and would naturally be kept up by the adjoining counties⁴. Another criticism is that the number of burgesses appertinent to a town manor appears to bear no proportion to the value or extent of the manor. At Doncaster out of 105 burgesses no less than 80 were appendant to a

¹ *Ibid.* op. cit. p. 12. In Buckinghamshire only 4 barons were out of 20 had stone towers.

² Maxford, *Shropshire Dialect and Legend*, 120.

³ *Ibid.* op. cit. p. 12.

⁴ *Ibid.* *English Borough in the Twelfth Century*, 25.

single manor at Ely.¹ This difficulty has been met by the contention that landowners built as many houses as possible on their allotted space within the town, in order to draw larger rents from their occupants.² In place of the 'garrison' theory, an alternative explanation has been put forward that the burgesses appurtenant to rural manors were country folk, who resided on the manor but purchased burgess rights in order to trade freely within the town. But the theory of non-resident burgesses fails to account for those houses in the boroughs from which rural manors were deriving rents, and which therefore must have been permanently occupied. Accordingly, it has been modified to admit "the possibility that some burgesses may have acquired rural estates of burgial services".³ On the other hand, attention may be called to the fact that some houses in boroughs did actually serve as lodgings and storerooms for traders. London citizens carried their merchandise every week to markets out of London, at Hensley and other places, where they had houses for purposes of storage.⁴ This suggests that the tactical heterogeneity of the 'composite' boroughs may find at any rate a partial explanation on commercial grounds.

Whatever may have been the origin of towns, the Saxons regarded them, in the words of Tacitus⁵, "as the defence of slavery and the graves of freedom", and preferred to live in the centre of their open fields. The growth of town-life in England was therefore largely stimulated by foreign influences, and among these the settlement of the Danes has the first place. The Danes recognised the importance of towns, not only as centres of trade, but as fortresses to keep in subjection a conquered and hostile population. Their supremacy in England rested on con-

*Danes
in Britain.*

¹ *Town in English Med. Ages*, iv, 322.

² *Belford, English Borough*, 48; *English Med. Ages*, xii, 360.

³ For the discussion between Miss Bateson and Mr. Ballard, see *English Med. Ages*, ix, 525. Also xii, 455, 369. See also *Norman Port Colony, Hist. Society*, 128, and *Port Colony, Hist. Manuscripts*, 1, 257; and *Town in English Med. Ages*, xii, 370, 387, 389.

⁴ *Later History of St. I. Ely* (1836), 1, 498.

⁵ *Tacitus, Histories*, iv, 19.

isolated groups of towns¹, of which the most famous was that of the five boroughs of Derby, Lincoln, Leicester, Stamford and Nottingham: these towns dominated the district, and were distinguished for their administrative system,² wealth and commercial importance. The lesson of the Danish invasion was not lost upon Alfred and his successors, and the reconquest of the Danelaw was accompanied at every step by a line of strongholds, which consolidated their advance, and planted in each district a nucleus round which the scattered towns could slowly develop.³ Moreover, the impulse which the Danish settlement gave to English foreign trade contributed to the progress of towns by affording a wider field for their enterprise. It is to Danish influences working in this way that we can trace the rise of Norwich⁴, at one time the chief city in the eastern counties. At the Norman Conquest it possessed no less than twenty-four churches, while the number of burgesses was second only to that of London and York. Situated on a navigable river, the Yare, Norwich lay in the path of commercial intercourse with Northern Europe, and this combined with the settlement of Scandinavian traders to acquire for it wealth and importance.

*Norman
Influence.*

With the coming of the Normans a new page opened in the history of English towns, and the Conquest was followed by a rapid development of municipal institutions. Its immediate effects were commonly adverse, for houses were ruthlessly destroyed to make room for the feudal castle. Scarcely any town of importance would seem to have escaped partial destruction at the hands of the invader, and the number of wasted dwellings was often considerable. At Cambridge 27 houses⁵ were demolished, at Canterbury⁶ 22 burgages were laid waste in making the city more, at Northampton⁷ out of 62 burgages are described as waste⁸; and even at Wallingford 8 houses were destroyed⁹. Speech

¹ J. I. A. Warriss: *Scots and Normans* (1882), 32.

² H. M. Chadwick: *Studies on Anglo-Saxon Institutions* (1897), 172.

³ The list is given in the *Anglo-Saxon Chronicle*, A D. 1017-216.

⁴ *Anglo-Saxon England under the Anglo-Saxons*, i. 47.

⁵ *Chron. Cantabrigie*, 17.

⁶ *Chronicle Cantab.*, i. 1.

⁷ *Ibid.*, i. 173.

⁸ *Ibid.*, i. 36.

sufficed severely. In the time of the Conqueror 538 burgesses paid taxes to the king; twenty years later there were only 270 burgesses, of whom 100 were so poor that they could only "render to the king's gold but one penny a head."¹ But castle-building was not the only reason for the devastation which followed in the wake of the Conquest. At Lincoln 290 houses were "waste", but while 266 "were destroyed on account of the castle, the remaining 24" were rendered waste "because of mischance, poverty and savage by fire."² Again at Oxford the destruction of houses appears to have been partly due to the advent of the rebel army under Edwin and Morcar in 1065³, while at Derby, where the number of burgesses was reduced from 243 to 140, no castle at all appears to have been built.⁴ None the less the Norman Conquest constituted a decisive landmark in the development of towns. It established the royal power on a firm footing, and by checking the tendencies to feudal disintegration it welded England into unity centuries before any country on the continent. William's resolve will enabled him to impose the stamp of his vigorous personality upon the turbulent forces which he successfully controlled. But the influence of any personality is necessarily evanescent, and would not alone have sufficed to outlast the disintegrating elements in the feudal system. It was reserved for Henry I. to create the institutions and administrative framework which embodied the main contribution made by Norman rulers to the development of the English constitution. The systematic organisation of justice and finance, and the establishment of a professional body of administrators from which feudal principles of government had been eliminated, enabled the Crown to extend its authority and make its pressure felt in every part of the country. If the strength and vigour of the central government prevented English towns from attaining the degree of independence shared by the great cities of the German and Italian kingdoms, it saved them on the other hand from a tumultuous and precarious existence. It afforded oppor-

¹ *Domestick Book*, ii, 290.

² *Ibid.* 292.

³ *Parker: Early History of Oxford*, 132.

⁴ *First County Hist. Description*, i, 300.

centuries for unobstructed development and progress, in which quietly and without loss of their powerful neighbours they could turn all their energy and skill to building up their industrial and commercial resources.

Assange-
town.

The Conquest gave to English towns internal peace, the indispensable condition of their growth; its influence was also felt in more immediate and direct ways. It placed England and Normandy under a single ruler, and the closer relations with the continent which now ensued fostered commercial intercourse and facilitated municipal progress. The influx of aliens, whether merchants or artisans, contributed in the same direction. The biographer of Thomas Becket tells how "many natives of the chief Norman cities, Rouen and Caen, settled in London as the richest town in England, because it was more suited for commerce and better stored with the goods in which they were accustomed to trade"¹. Among these aliens was a citizen of Rouen, Gilbert, the father of Becket, who rose to the office of porter of London²; another stranger was Arnold of Cologne, whose grandson became an alderman³. Aliens also settled in other towns. Norwich contained 42 French burghers⁴, Southampton 63⁵, and at Wallingford 22 houses were inhabited by Frenchmen⁶. This immigration movement had begun before the Norman Conquest, but it now received a great and permanent stimulus.

The
influence of
France.

In other directions also, we have evidence that Norman influences were at work in the making of the borough and in the development of the borough community. The burghage of the Conquest founded new towns along the unsettled borders of Wales and endowed them with customs of French origin. They have been credited in fact with a definite scheme of town colonization, and even where their charters did not actually create a new borough, they attempted by French concessions to attract colonists and so develop centres already established. It is of considerable significance that the new settlers in all appearance were

¹ *Materials for the History of Thomas Becket* (Oxford Society), 22, 23.

² *Ibid.* 22, 23.

³ *Documentary Book*, ii, 177.

⁴ *De Antiquis Legibus Eborac.* 320, 321.

⁵ *Ibid.* i, 20.

⁶ *Ibid.* i, 20.

traders and artisans, for they received only a small portion of agricultural land.¹ In so far as we can trace the introduction of a definitely commercial and industrial element into the towns, we have evidence of a momentous transformation in the nature and composition of eleventh-century boroughs. At the same time Norman customs were also introduced into these towns, and we are told that the tenants-in-chief of the Conqueror worked with the set purpose of reproducing in English boroughs the privileges of the Norman town of Breteuil.² An attempt has been made to reconstruct the laws on whose pattern the Welsh border towns are supposed to have been modelled. But it is doubtful whether we can determine what customs were really derived from Breteuil. The uniform rent of a shilling, for example, levied upon all burgage tenements, irrespective of their size, need not necessarily have been taken from the customs of Breteuil, since it is also found in burgages which had borrowed no Norman laws at all.³ In any case, however, it still remains certain that a number of English towns were either founded by Normans or brought directly within the sphere of Norman influence. Where these towns did differ from the purely native boroughs was primarily, it would seem, in respect of the conditions of their tenure.⁴ The essential feature of ordinary burgage tenure was its mobility, that is, the freedom of the burgess to devise, sell or otherwise alienate his tenement at will. Thus in a fourteenth-century charter burgage tenure is defined as the right of the burgess to sell, pledge or exchange his land without paying due to the lord.⁵ This element in the land law of English boroughs was, originally at any rate, unknown even to socage tenants, which seems to have had no power of alienation and only resembles burgage tenure in its comparative immunity from feudal incidents. Now this mobility of tenure was also absent from those boroughs

¹ *English Hist. Review*, vol. 107 (see next note).

² *St. Barthelemy, "Laws of Breteuil," in English Hist. Review* vi. 71, 100, 101, 114; also *ibid.* vii. 90, 137; also *ibid.* viii. 174.

³ *St. B. & H. "Norman Burgage Tenure in Medieval England" (1904), 130.*

⁴ *Ibid.* 131.

⁵ *Charter Socy.* iv. 40. The law was to pay a fixed or fixed-in-kind, and the burgess was to pay 100 yearly.

dependence
rest of
the county
English
borough.

where foreign influence prevailed, and here there was no power either to sell or to devise landed property¹.

The organization of the early English borough was in its main features comparatively simple when contrasted with the complexity of the later municipality. It comprised a borough court and a *reeve* or *procurator*. The *reeve*² controlled the administration of the town alike in its fiscal and military concerns: he gathered in the revenues due to the king, acted as official witness in all commercial transactions, and defended the town against attack. He was not, however, independent, but was responsible to the sheriff to whom he was subordinate. The court was the most important element in the constitution of the borough, which formed a separate jurisdictional unit independent of the hundred court. The contention has been advanced that originally the jurisdiction of the hundred court was not excluded from the borough. A law of Edgar³ enacted that the borough moot should be held three times a year, but the hundred moot once a month; the disparity, it has been supposed, would have placed the burgesses at a disadvantage, if they were refused access to other courts⁴. But it is possible that, in addition to the three formal assemblies of the full borough court, a number of smaller meetings were held for the transaction of less important matters. Other legal enactments affecting towns relate to the institution of official witnesses⁵ and the minting of money. In the tenth century every borough was allowed at least one mint, and a larger number was accorded to those distinguished by their wealth and importance. London had eight moneys, and Winchester six; at Canterbury four belonged to the king, two to the archbishop, and one to the abbot⁶. The towns where Danish influence was strong show signs of a more elaborate organization; at Lincoln, Stamford and Cambridge were bodies of burghs, who apparently enjoyed some measure of jurisdictional authority in the capacity of

¹ *Blount, English Tenure*, ed. 158, 159.

² *Blount, Constitutional History*, i. 110; *Ballard, Boroughs*, Boroughs, ed. 180.

³ *Lefferson, Customs*, i. 110.

⁴ *Ballard*, op. cit. pp. 110.

⁵ *Doyle*, p. 320.

⁶ *Doyle, Customs of England*, ii. 120.

legal assistance to the borough court.¹ Of the occupations of the burgesses at this period we have little direct knowledge, though the evidence of the Domesday Survey can be interpreted to show that many were engaged in trade. At Ipswich,² 538 burgesses held only 40 acres of land between them; the greater number must have been landless, and dependant for their livelihood on their craft or trade. There is fragmentary evidence also as to the existence of silk-works and lead-barns at Dedditch, of iron factories at Gloucester, and of shoemakers and drapers at Canterbury³, while at Hereford the men were engaged in iron-working.⁴

The economic history of English towns after the Norman Conquest can scarcely be isolated from the story of their constitutional progress. Their efforts to attain independence and self-government are closely interwoven with their economic development, of which they were in part an effect, and in part a cause. The control which feudal law enabled medieval landowners to exercise over towns on their estates gave into their hands a powerful instrument for advancing or retarding, and in any case for benefiting by, the industry and enterprise of their subjects. At the same time the towns were constrained to acknowledge the political authority of the sheriff as the local representative of the royal power; and only gradually did they secure their emancipation from the one or the other.

The feudal claims were covered with the wings of the town, for in the earliest stage of its growth the townfolk were in the position of manorial tenants, and accordingly were burdened with the onerous obligations incident to villenage. They owed agricultural service in the field and suit of court and suit of mill. The rural services performed by the burgesses of Hereford are recorded in Domesday, every burgage within the city owed three days' reaping at Marden in August, and one day for gathering the hay wherever the sheriff thought fit.⁵ Subsequently the burgesses contracted

Constitutional progress.

Feudal claims.

¹ *Edm. Jeweherne to Domesday Book*, i. 203, *Domesday Survey* (1892), 11.

² *Domesday Book* E. 200.

³ *Domesday Book* i. 275.

⁴ *Domesday Book* 20, 21.

⁵ *Ibid.* i. 275.

their postal services for a quit-rent, when the lord came to appreciate the importance of trade as a source of profit. Already in the twelfth century the cask of Gloucester had roared that the burgesses of Cardiff¹ should owe no suit to the mill, and might marry son or daughter without seeking licence; they could also brew and bake, sell ox and horse, without toll, and could make themselves dove-cotter, home-mill and hand-mill. At Bury St. Edmunds the inhabitants contracted their obligation to reap the monastic domains for a money payment termed 'red-rent', and the collector of the abbey used to go through the town to collect the tax. But all the old women came out, says the chronicler, and brandished their distaffs in his face, coming first and last; and so the abbot agreed to accept a composite sum.² At other times the immunity of the burgesses was only partial, and here they still retained the marks of their former servitude, even in the thirteenth century the citizens of Epsom³ were liable for agricultural services: "the burgesses with ploughs shall plough for me one day every year". Manchester⁴ did not entirely shake off the manorial yoke till the middle of the nineteenth century; a hundred years earlier its inhabitants were still taking their corn and malt to the lord's mill and their bread to the lord's oven. But at mill survived, indeed, long after all other incidents of feudal dependence had disappeared; so valuable for example, were the Doe Mills of Chester that they passed into a proverb on extravagance.⁵ The monasteries in particular clung tenaciously to their monopoly, and could never be brought truly to relinquish its profits. When the burgesses of Bury St. Edmunds made submission to the abbey they bound themselves expressly to do suit at its mill and erect some of their own to its prejudice and hurt.⁶ Even at the time of the dissolution the monastic establishments were

¹ *Records of Cardiff*, i. 10. Similarly *Records of Leicester*, i. 2, 30.

² *Chronica Johannis de Becheleide* (ed. 1897), 72.

³ A. Pollard, *Sketchs Through Cheshire* (1902), 45.

⁴ *First Municipal Manchester* (1900), 42, 50.

⁵ R. H. Stowe, *Cheshire*, 204. "If there be not the rent of Doe Mills then another spend it."

⁶ *Calendar of Documents in France*, ed. J. H. Roach (1892), 262 ff. 111-12.

drawing a considerable portion of their revenues from the mills.¹

The extent to which English towns secured their freedom from feudal control, and the rapidity of their development, were determined not so much by their own activity and sense of corporate consciousness, as by the character of the feudal control which they contested. There were three classes of towns:² those on the royal domains, those owned by lay lords, and those belonging to the Church. The greater number, and with few exceptions³ the more important towns, were situated on the domains of the Crown, and were therefore held directly of the king. The king showed himself an easy master, with neither inclination nor motive for playing the part of local tyrant. His interests were too wide, and positions too important, to concern himself unduly in the relatively petty affairs of the townfolk. He was content to let them manage their own business, provided they paid their dues with regularity into his Exchequer. This complaisance was the more politic, in that it made unnecessary a host of minor officials and was a safeguard against embroilment. Moreover, it was part of the royal policy to weaken the authority of the sheriff, whose local power and prestige were becoming as great a menace to the monarchy as either the Old English noblemen or the barons of the Conquest had been in earlier times.

The towns on the royal domains prided themselves on their superior status, and were reluctant to share their privileged position with the mediocrate boroughs. "There are some towns", and the men of Hereford⁴, "belonging to our lord the king of England and to his heirs without a manor or mediocrate lord, and to such we are bound to certify concerning our laws and customs as often and wherever it shall be needful, especially because we are of one and the same tenure. And nothing shall be taken of them in the

of towns
on the
royal
domains

of towns
on mediocrate
status

¹ See *English Monarchs*, 129.

² J. Maitland, *Feudal Donor* (1908), 2.

³ E.g. Beverley and Lynn.

⁴ "Customs of Hereford", printed in *Journal of the British Archaeological Assoc.* XLIII, 479 and in J. Dugdale, *History of the County of Shropshire* (1802), 1, 217-222 and (Latin version) in *English Peerage*, *Barons*, iv, 303-304. For a discussion of the date, see *ibid.* iv, 303.

name of a *tenement*”; but there are also “other maner tenens, which are of diverse lords of the kingdom in which are some *serfs* and *nutives*”, which of old do corporal services to the lord diverse maner of ways, and especially such and other services which amongst us are not used”: these were detached from their “*law and customs*” were “at a great price”. Apart from their inferior status, the towns in the feudal system were in other respects less favourably situated, since it was to the interest of the lord to retain his authority in his own hands. But no town could hope to attain prosperity or a thriving trade, so long as it lay in the power of an alien ruler to impose his own will at every turn upon its concerns. In the struggle between the barons and the towns the advantage lay with the latter, they profited by the lord’s powerlessness and wrong privileges from his necessities. Moreover, as corporations they were able to carry on the struggle with a continuity of tradition, and a persistence which was ultimately bound to prevail against the isolated efforts of individuals¹. In 1286 the lord of Bokerly granted a charter of liberties to his burgesses, in which they were exempted from suit of court and payment of toll, and allowed the free disposal of their burgages by sale, grant and bequest². A few years later (1294) Pontefract bought for three hundred marks of silver an extensive series of privileges from Roger de Lacy³.

(24) Towns belonging to the Church.

In contrast with the towns belonging to secular lords, those connected with bishoprics or monastic houses were placed in a position of the utmost disadvantage. Here the struggle for independence lasted for centuries, and the towns found it almost impossible to wrest concessions from corporate bodies, which clung to their privileges with undying tenacity and an uncompromising attachment to legal formalities. The Church did not indeed everywhere assume an unyielding attitude; and the prior of St. Swithun at

¹ The translation of the text reads “*patrons and countrymen*”.

² Cf. A. B. Green, *Towns Right in the Fifteenth Century* (1894), p. 139, 140.

³ *Hist. MSS. Comm. Bedford*, iv. 91.

⁴ *Ibid.* 104. *Mag. App.* i. 104. For Lancashire towns charters see *Bedford, Manchester* i. 778 seq.

Winchester, for example, granted a charter to Weymouth (1229), conferring upon it the status of a free borough together with various rights and exemptions¹. But it was rare to find an abbot enlightened enough to adopt, free from constraint, a liberal and progressive policy; and even the most statesmanlike among them were cramped in their efforts by the narrow conservatism of those over whom they ruled. When Abbot Sampson conceded a charter to the town of Ebury St. Edmunds, his action evoked a storm of criticism on the part of the monks, and the subprior broke out sagely with the words, "That man, Abbot Osling, who lies there, would not have done such a thing for five hundred marks of silver"². Even when a charter was extorted from the fears or pecuniary needs of a monastery, its terms were far from generous. It is worth while to contrast two thirteenth-century charters, one conferred by a secular, the other by an ecclesiastical lord. Alan Basset, lord of Wycombe, granted his burgesses (1227) "all the borough of Wycombe with the rents, markets and fairs, and with all other things to a free borough pertaining, without any reservation"³. The abbot of the monastery at Peterborough released the town from tallage, market, carrying and respang, but he reserved the pleas of the court and the rents of ovens and market tolls, and apparently also restrained his men from selling or alienating their land⁴.

The reluctance of the ecclesiastical authorities to tolerate the slightest infringement of their liberties is vividly illustrated in the narrative of the medieval chronicler⁵: "Hubert the dean built a windmill upon Haverdon. The abbot, when he heard of this, was so wroth that he would hardly eat or speak a single word. On the morrow, after mass, he bade the carter and his carpenters thither without delay and overturn everything". The dean therefore came before the abbot and protested that he

¹ H. J. Moyle, *Weymouth and Melcombe Regis Documents* (1887), 12.

² *Chronica Justicie*, 29.

³ *Charters of Clipping Wycombe*, 2.

⁴ *Full Glosse Map Northamptonshire* c. 1207.

⁵ *Chronica Justicie*, 41.

was within his legal rights, but the abbot answered angrily: "I will never eat bread until that building be overturned. You are an old man, and you ought to know that neither the king, nor his justice, may change anything or build anything within the jurisdiction of the monastery, without the leave of the abbot and the house . . . Nor is this without harm to my mill, as you pretend, for the boughs go to your mill and grind their corn at their pleasure while I cannot lawfully hinder them, since they are free men". This was at Bury St. Edmunds, and a parallel incident is recorded two and a half centuries later at St. Albans (1455). A tenant of the monastery erected a horse-mill and commenced to grind his own barley. The abbot in his resentment ordered his officers to confiscate the millstones. When the officers arrived, the offender was away, but his wife met them "after woman's fashion with execrations and curses, and gathering together all her foul and chattering sex", she lustily recovered possession of her mill. But her tongue was short-lived, and the abbot had the last word, compelling his refractory tenant to sue for pardon on his knees and releasing him perchance even to grind oats. "My friend", he replied to his entreaty, "every one knows that if you give a man an inch, he takes a yard. Go home and mend your ways"¹.

The
struggle for
possession

On every hand there is abundant evidence to show how complete was the grasp of the Church over the towns on its domains. At Beverley² the archbishop controlled the administration of justice, exacted fines for the infringement of the laws, and brooked no competitor in the exercise of his authority. At Reading³ the monastery chose the mayor, decided the admission of new members to the gild, took from them a yearly tax for the right to buy and sell, and compelled the rest of the townsmen to give tolls. At Evesham⁴ the abbot appointed the bench, heard the pleas in town, fair and market, and claimed a pre-emption

¹ *Epistola Abbotis Johannis Whithamstede* (Roll Series), I, 129, 132.

² *Beverley Town Documents*, ed. A. F. Leach (1909) 66.

³ *Reading Records*, ed. J. M. Gilling (1897) I, 16, 129, 210. The 129 was almost illegible.

⁴ *Plan. Albani* 127-8.

on all merchandise coming into town by land or sea, under rights were asserted by the ecclesiastical lord of Bury St. Edmunds¹. The controversy between the men of Gloucester and the Church left the latter supreme in the sphere of trade and justice, while the townsmen were denied the power to sell or bequeath their land, and were burdened with succession duties, market dues and agricultural services at harvest-time². From generation to generation the burghers of the towns carried on the struggle for municipal freedom, and the struggle was marked in every stage of its course by extreme violence and bitterness. The prior of Dunstable has left us record³ (1252) an account of his unpropitious relations with the burghers, who eventually made preparations to abandon their homes. Undaunted by a threat of excommunication, they determined "to descend into hell altogether", rather than submit to the arbitrary taxes of the prior. Although the controversy went on throughout the centuries, the risings of the towns against ecclesiastical domination were specially frequent at times of civil commotion and political unrest. Local history took tone and colour from national history, and the crises that rent the state were made the occasions of municipal revolutions. In 1264⁴ the men of Bury St. Edmunds took advantage of the disturbed relations between Henry III. and his barons to elect their own magistrates and drive the town gates against the abbot. Another opportunity⁵ came to them in 1327 when the country was torn by dissensions; and a great riot broke out in which the manastery was forcibly entered, its servants beaten and wounded, and the abbot and his monks carried off to prison; the peasants also "mowed the meadows, felled the trees, and fished the fish-ponds of the abbey, taking away the grass, trees and

¹ *Forest Rolls*, 1229-1230, p. 183.

² E. A. Fisher, "Gloucester: The Manor and the Town", in *Towns, Manor and Manor*, *Medieval Soc. Ser.* vol. 32, pp. 324.

³ *Monastic Documents* (Roll Series), no. 212. In this portion of manuscript damaged.

⁴ H. M. G. Dore, "The Community of Bury St. Edmunds", in *Scripta Mon. Bury*, 323. It had received a charter from the abbot in 1129.

⁵ *Gloucester Journal*, 27.

⁶ *Forest Rolls*, 1327-1328, pp. 212-213.

ish". These acts of violence were repeated at Abington¹, where a multitude of persons "in warlike manner" besieged the abbey, burned the gates, carried away church ornaments and charters, and compelled the abbot to concede to the towns its own laws and customs. The dissension of the towns formed a considerable element in the Peasants' Revolt (1381), and they availed themselves of the disorder to vent their grievances. The men of Ebury St. Edmunds² were expressly excluded from the king's pardon on account of their part in the insurrection, although in 1384 they were pardoned on condition of finding sureties for their good behaviour to the abbot. The deposition of Richard II. again divided the nation into rival factions. The men of Gloucester favoured the cause of Henry IV., and headed by the bailiff seized the leaders, the sons of Kent and Salisbury, and beheaded them in the streets without any pretence of legal process³. This exploit earned for them the commendation of Archbishop Arundel⁴, and they proceeded to bind themselves by oath to withdraw their services from the abbot, refusing to send their corn to his mills or to pay his tithes. Protected by the royal favour, they were able to defy the abbot with impunity, and the king granted them a gild merchant, with the control of their trade and market, and a court to settle disputes. But the abbot bided his time, and on the accession of Henry V. obtained the surrender of the gild, and the townsmen returned to their allegiance⁵.

Example
of the
Church.

The towns were not satisfied in their struggle to achieve independence. The monks of Abington Abbey in 1337, for example, were driven from Oxfordshire and Berkshire, and in particular a large number were citizens of Oxford⁶. There appear to be no indications that English towns ever formed confederations for their mutual support after the

¹ *Forest Roll*, 1329-1330 p. 220. *Narrative of 'The Reign of the English Monarch Henry III 1217-1272' is given by St. H. Trevelyan in *Anglo-Norman Britain*, 101-102.*

² J. H. Wylie, *Henry de Ebury* (1289), p. 27.

³ *Roll of the Commons of the City of London*, 1384, p. 121. He gives the exact numbers.

⁴ *Tracts Relating to the History of the City of London*, part 2, pp. 325-326.

⁵ *Forest Roll*, 1381-1382, p. 220.

number of continental towns¹, but there are signs of sporadic co-operation. We also get occasional glimpses of the process by which their efforts after emancipation forced on the townsmen the recognition of the need for corporate action. The nuns of Bury St. Edmunds² assessed themselves for a sum of money to maintain their contest with the abbey, and we may infer that in other towns also a growing sense of corporate consciousness was fostered by the pressure of like circumstances. None the less it is clear that in the long conflict between the Church and the towns under its control, the former almost invariably gained the upper hand. The towns, with their relatively scanty and feeble resources, were powerless in the face of influential corporations which were fortified by knowledge and experience, and backed by material wealth and spiritual forces. Moreover, the influence of the Crown was often brought to bear upon the side of the Church³, and the townsmen might well hesitate to disregard the king's injunction to "offer their demercur and bear themselves otherwise if they would escape his most grievous anger"⁴. Everywhere the issue of the struggle was to all appearance in the Church's favour. The disputes between the citizens of Salisbury and the bishop⁵ ended in the complete submission of the former (1296), and in paying permission to institute the office of coroner they were constrained to employ the most humble address. A similar fate overtook the men of St. Albans⁶. As early as 1207 they had set up the claim to use their own mills in milling cloth, and upon the abbot's refusal to tolerate their demand they besieged the monastery for ten days, and extorted a charter conferring the right to hold their own court and appoint their own bailiff. But three years later came the turn of the wheel of fortune, and the Church again entered

¹ *Great Guild Handbook*, I, 268, *Comm. Towns* 192, I, 282, 282, 296.

² *Parish Rolls* 1220-1226, p. 107.

³ A royal charter to Wells was cancelled when found in conflict with the rights of the bishop: *Mon. MSS. Comm. Wells*, I, 212.

⁴ *Hist. MSS. Comm.* 12th Reg. App. 25, 281, and its answer of 1292 (p. 281, 311). But, on the other hand, even Henry III. threatened the church of York with a "heavy revenge": *W. Dugdale-History* (1720), 227.

⁵ *Mon. MSS. Comm.* *Parish Churches* 21, 285-286.

⁶ J. Thompson, *An Essay on English Municipal History* (1852), 27, 28.

into its own. The abbot's marshal was killed in a fray, and the burgesses were compelled to surrender their charter and yield up their rifles. Another bid for independence was made in 1381, and after its failure the town relapsed into complete dependence upon the abbey. In this condition they remained until 1385, when they at length secured a charter of incorporation from the Crown. Even Bury St. Edmunds¹, a prosperous centre of the cloth trade, whose stubborn resistance was protracted for three centuries, sought in 1477 the sanction of the vicar-general, "lord of the town", to make ordinances for the craft of weavers. Nor did even the Reformation always bring freedom to English monastic towns. At Peterborough the dean and chapter succeeded to the jurisdiction of the monastery, and down to the nineteenth century exercised the right to appoint the city magistrates.²

Relations
between the
Church
and an
advanced
municipal
system.

Heretofore we have been concerned with the relations between the Church and those towns which were in subjection to ecclesiastical lords; we have now to see how the Church came into collision with municipalities over which it exercised no suzerainty. The medieval Church regarded itself as an empire in imperio, and asserted its immunity from all secular control and jurisdiction. This claim brought it into conflict not only with the king, but with the towns which had acquired the rights of autonomy, for the attempt to exclude from their authority all ecclesiastical territory inside the municipal area set up a rival power within the walls of the borough. In the main, controversy centred round two points: jurisdiction and taxation. The citizens demanded that tenants of the Church should be "obedient to our chief bailiffs"³, attend their courts and pay contributions to the town assessments, while the Church restrained its dependents from compliance. A difficult situation was created, for not only was a part of the town inhabitants relieved of their communal obligations, but the authority of the mayor could be set at defiance by any ill-disposed

¹ Hist. MSS. Comm. 14th Rep. App. vol. 120. Witness, concluded in 1568 between Lynn and the bishop of Norwich, and 16th Rep. App. in 166.

² Brown, *Early on Early England*, i. 98.

³ *Journal of the British Architect Assoc.* 1866, p. 99.

cities. The financial grievances of the burghs were as old as Dorchester, where complaint was raised that ecclesiastical lords retained the Doregeld paid by their tenants, to the loss of the other citizens who were made responsible for the whole sum levied upon their community¹. A settlement took place at Leicester in 1266, where the tenants of the bishop of Lincoln agreed that any one who became a member of the merchant guild should contribute to its charges in return for a share in its privileges². But it was more difficult to arrange a compromise in matters affecting jurisdiction, for questions here involved the abatement of ecclesiastical authority. At Gloucester the servants and tenants of the monastery were expressly exempted by royal charter from civic control³. At Hereford⁴ fraudulent bakers, were able to take refuge on ecclesiastical territory in order to exercise their trade outside the jurisdiction of the burghs; while at Winchester⁵ weavers withdrew into the episcopal suburbs to escape the charges due to the city. The quarrels between Canterbury and the convent of Christ Church were spread over three hundred years, and serve to illustrate the various occasions for dispute that from time to time were advanced. In 1257 the burghs required the monastery to furnish a number of men-at-arms to the quota demanded of the city by the king, and a century later (1357) they put forward the claim that ecclesiastical property should contribute to the taxes. The friction culminated in 1359 when the prior refused to pay a share of the subsidy imposed on the town; the citizens held a meeting in the Blackfriars Churchyard, and resolved that they would sell neither food nor drink to the monks and would seize provisions that came to the monastery from their manors; no pilgrims were to enter the church without swearing not to make offerings, and ecclesiastical tenants were to be driven from their houses. The disputes were renewed in the fifteenth century

¹ *Chronicle of Peterborough*, i, 126.

² *Journal of Leicester*, 126. *Statute of Christopher and John*, ed. W. G. Baskerville (1907), 126.

³ *Charter of Exemption Privilege*, ed. W. H. Stevenson (1873), 14.

⁴ *Journal of the British Archaeological Association*, 1891-92.

⁵ E. Baskerville, "Winchester in the Thirteenth Century", in *Archæological Journal*, vol. 27.

when the prior alleged that the knights had wrongeously invaded the right of sanctuary in Christ Church (1425), and the citizens accused the convent of forestalling supplies of fish (1428). In 1429 a settlement was reached in which the city renounced all claims to jurisdiction within the monastic precincts, yet shortly afterwards the complaints on both sides were renewed, and the prior carried his suit to a court of law.¹ The history of Canterbury does not stand alone, and in many other towns the existence of a divided authority provided a fruitful field for dissensions and conflicts. At Norwich the prior sought "to draw away men of the franchise from the commons of the city, in order that they might be under his own jurisdiction and secured from the common". The ill-doing culminated in a terrible riot between the monks and citizens in 1429, when the cathedral church "founded three floors of old" was burnt down with the houses of the convent built within its cloisters.² The king intervened, but dissensions revived until in 1506 the two parties, "prudently considering the inconvenience of these disputes", came to terms.³ Consciously the efforts of the burghers to establish their authority over all franchises within the town walls brought them into collision with secular lords. At Bristol Marston de Berkeley was lord of Radcliffe Street, which he claimed as part of his manor of Bedminster, while the mayor claimed it as part of the city, and the result was a conflict of jurisdictions.⁴

Other
disputes

The relations between the Church and the municipalities were further complicated by disputes over the ownership of common land and rights of way. At York a quarrel broke out when the monastery enclosed a common pasture which

¹ *Stat. MSS. Comm.* 24th Reg. 422-424, 25th Reg. part 1, App. 25-26, 27-28. For the struggle between *Knights and the Citizens* see also *Parliament Collections*, vi. 48 (1429) *Letters and Papers of John Scoldingford*, 1427-1428, ed. S. A. Brown (1911) *Sanctuary Sherburne*, *John Cope on the St. Clement*, i. 210.

² *De Disputat. Lapsus Liber*, 142-143. W. Rye, 'The Riot between the Monks and Citizens of Norwich in 1429' in *English Antiquarian Soc. coll.* 2, 27-40.

³ *Parliament Rolls*, 1492-1493, 29-30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

the town regarded as its property¹, and at Ipswich the citizens demolished a hedge and ditch made by the prior of Ely to enclose land owned by the city "tune out of mind"². Sometimes the controversy ended peacefully and a settlement was reached between the two parties over the points at variance. Another subject of contention emerged in the taxation of market tolls, from which the ecclesiastics set up a claim to immunity. At Bury St Edmunds the burgesses refused to allow the abbot's servants to be quit of toll whenever they bought or sold as traders, but when they sold the abbey's produce or bought provisions for its use they were not required to pay toll. The distinction was well established, but here, as elsewhere, it added fuel to the bitterness between the monastery and the town³.

Apart from the claims of their feudal lords, lay and ecclesiastical, other difficulties confronted the townsmen in their endeavour to achieve independence and self-government. The sheriff, as the political representative of the Crown and the local head of the county administration, was all-powerful in the shire, and enjoyed opportunities for meddling with the concerns of the borough communities, which were attached to the shire. As judge he dealt with pleas that lay outside the competence of the municipal courts and assessed the fines for breaches of the law; as military leader he raised armed levies among the townsmen and led them to the field; as revenue-officer he imposed taxes and gathered in the royal dues⁴. In these various capacities he had unnumbered occasions for oppression, and used his position to serve his own ends and to fill his own purse. At Canterbury⁵ the sheriff compelled the people to pay excessive toll for the use of his ferry-boat, and it was among the articles of the Hundred Rolls⁶ to require "suspecting sheriffs who took money to criminal felonies". The pleas of the Crown for the county of Gloucester afforded eloquent

¹ York *Municipal Chart*, s. 12, 13, 14, 15.

² *Essex Journal of Ipswich*, 128 (1552).

³ *Chronica Justicie*, 71.

⁴ *Medieval Constitutional History*, i, 100, 112, 122.

⁵ *Chron. Towns*, i, 107.

⁶ Compare the *Willeslouten Hundred Rolls* (which contain rolls not printed in the *Red Book*) in *Wm. Salt's* *Medieval Soc. Collections*, i, part i, 129.

testimony to the methods of the sheriff, who was charged with misdoings of justice, exactions of money and many other acts of oppression.¹ The sheriff in the Middle Ages was in fact the best hated man in the shire, and his unpopularity is reflected alike in history and legend. Accordingly the overwhelming desire to avoid his exactions, and exclude him from their walls, became the great motive that first stimulated in the townsmen a longing for freedom. Community of suffering brought home to them their common interests, and the growing feeling of corporate identity became the mainspring of their municipal development. The first step was taken by the purchase of a charter from the Crown, bestowing upon them the right to assess and collect all their own taxes. The second step was to crystallize corporate action into a permanent organization, whereby to maintain and extend the privileges thus gained.

Franchises
conferred
by borough
charters.

The history of English towns during the twelfth and thirteenth centuries, apart from the growth of their industry and trade, is thus largely the story of their emancipation from feudal and political control. Immunity from external authority, whether of lord or sheriff, and the concentration of power within their own hands, constituted the goal which the townsfolk kept steadily before their eyes. Their progress was not, however, uniform, and it cannot be too often trusted that every town has its own history, and that the conditions of its development varied with the exigencies of local circumstances. Leicester, though one of the famous Five Boroughs, did not acquire the *franchise burgi*, the most ordinary privilege of an emancipated borough, until the middle of the fourteenth century, and then only for a period of ten years.² None the less, we may at this point conveniently group the various franchises conferred by borough charters of the twelfth and thirteenth centuries under certain well-defined heads. John's reign in particular constitutes the 'golden age' of municipalities, and his successors made him *pro* and *con*tra "the great charter-monger." The

¹ *Plays of the Crown for Gloucester*, ed. F. W. Howland (1874), pp. 17, 30, 41, 58, 68.

² *Records of Leicester*, ii, 140. See also *Great Guild Merchant*, ii, 6 (p. 1).

towns had brought for supremacy in administration, in trade and in justice, and in each of these directions they secured valuable concessions.

Foremost among their privileges was that of farming the revenues of the borough¹; this was the indispensable preliminary if the sheriff² or other royal and powerful officer set over their town³ were to be excluded from their walls. The burgesses collected the tolls of the market, the profits of the court, the rents of the burgage—where the king was also lord of the soil—and in their stead they paid annually a fixed composition to the Exchequer. *Middlesex*, for example, was held at farm for three hundred pounds by the officers of London⁴. In relation to the *ferme burgi*, as the composition was termed, attention should be directed to the following points. The right to farm their own revenues did not constrain the burgess lords of the town or owners of its soil; it meant only that they had replaced the royal officers in the collection of the royal dues. Again, the farm did not necessarily cover, as is sometimes supposed, every item of income which the burgesses owed to the king⁵; nor did it include the occasional gifts or aids which the king levied from time to time⁶. The *ferme burgi* was sometimes conceded only for a term of years and not in 'fee-farm', that is, in perpetuity; moreover, the grant was sometimes made to the borough, then reverted in favour of individuals, and eventually restored to the borough. In 1251 Henry III. granted the farm of Bristol⁷ to the town for eight years at a yearly rent of two hundred and forty-five pounds, which on subsequent occasions was raised in amount; Edward II. gave it in 1306 to Hugh Desp'erser, and Edward III. restored it to the townsmen; not, however, until 1316 did they receive it "for ever"⁸. The competition for farming the borough revenues indicates that, while the exclusion of the sheriff

to the
office
Lanc.

¹ The names of various *fermes burgi* from boroughs are enumerated in *Rotuli Burghatij* Boroughs 63, 64. ² *Rotuli Burghatij* 279.

³ I 34 *Rotuli Burghatij de Warwick* (1260), 140, 176.

⁴ 41 Calendar of 1290 and of a payment belonging to the king that

"it was not farmed."—*Rotuli Burghatij*, i. 125.

⁵ *Rotuli Burghatij*, 279.

⁶ J. Latimer, *Revised Calendar* (1896), 28.

⁷ *Ibid.* 176.

was the primary consideration, the farm often afforded a surplus which made it a profitable venture. The men of Carlisle offered John an increment of sixty shillings in addition to the ancient farm, but the sheriff of Cumberland found it worth his while to compete, and his more liberal terms prevailed.¹ The burghers of Newcastle, again, agreed to give a hundred pounds instead of the fifty paid by the sheriff, and the burgher proved most advantageous on account of its coal trade.² When a town fell on evil days the *ferme* dues were sometimes temporarily reduced. As early as 1295 Henry III. reduced the farm of Grimsby from over a hundred pounds to less than half the sum.³ In the fourteenth century Lincoln and Yarmouth (1399) complained that the inhabitants were leaving the city because they could not support the payment of the farm.⁴ The men of Southampton (1396) even prayed the king to take the town into his own hands and discharge them completely of the farm, "for that they are not able to pay the fee-farm by reason of the farm being so great and of their great charge about the fortification of the town"; the king consented to remit the farm for two years, and all arrears.⁵ These fluctuations in the amount of the *ferme* dues serve as a useful index to the prosperity or decay of the older burghs. We can trace the continuous decline of an important trading centre in the financial history of Chester, whose decay was brought about by the silting up of the port. Edward I. granted the farm of the city at a yearly rent of a hundred pounds, Henry VI. reduced fifty pounds, Richard III. remitted another twenty, and Henry VII. finally reduced the farm to twenty.⁶ Most striking of all was the petition of Winchester⁷ in 1440, setting forth that the city "which in ancient times was chosen out for the conveniences and benefits of kings, through petition and loss of trade, has had 11 streets, 17 parish churches, and 917 messuages in

¹ *Medieval France*, 191, 192.

² *Proceedings of the Merchant Burghs, Newcastle* (1899), 30.

³ *Proc. MSS. Comm.* 12th May 1295, vol. 191. ⁴ *Ibid.* 12th Dec. 1399, 132 b.

⁵ *Ibid.* 11, 126 b. ⁶ *Palmer's Data*, 1397-1398, p. 74.

⁷ *History of Chester*, 1891, 191, 192, 193.

⁸ *Palmer's Data*, 1437-1441, p. 107; *Ibid.* 1441-1445, p. 14.

rent during the last fifty years, and is so impoverished as to be unable to support the payment of its fee-farm."

Of considerable importance to the burgesses was the right to hold a court, in order that they might not be impeded beyond the walls of the borough. As early as 1131 London¹ obtained the privilege that "the citizens shall not plead outside the walls of the city for any plea". Immunity from external jurisdiction was valued by the townsmen, partly from their distrust of the impartiality of the stranger, partly to avoid witnesses to distant courts involving the expenditure of money and energy, and partly to retain the profits of justice in their own hands. The borough court was something more than merely a judicial tribunal²; it was the kernel of the town administration and the most important constituent in the civic polity. At its head was the mayor or the bailiff, while the analogy of the shire court suggests that originally the whole body of burgesses were members of the court and sat as jurors. But in any case the range of membership would gradually be restricted to the leading and more experienced burgesses, and the court would thus come to be a popular body³. Attention has been drawn to the fact that even before the Conquest some boroughs had a select body of burghmen or judges. In the later Middle Ages the court came to be superseded in importance by the growth of the town council, but this was a subsequent development.

The election of their own magistrates was a necessary protection against undue influence on the part of outsiders, and insured that the administration would be conducted according to the wishes of the townsmen. Early in the twelfth century the citizens of London obtained from Henry I the right to appoint their sheriff and justiciar from their own body, but other towns acquired more slowly the privilege of choosing their own bailiffs and later their mayor. It is possible that the right of farming the revenues of the borough was held to carry with it the power to

see 120
through
1131

see 1 The
election of
magis-
trates

¹ *Letters and Customs*, i, 385.

² E.g. at 1100 responsible for the peace keep.

³ Pollock and Maitland, *History of English Law*, i, 437.

appoint the reeve or bailiff, in whose hands the financial administration of the town was vested. In 1189 the men of Nottingham were permitted to "make whom they will of their people to be their reeve at the end of the year, who shall answer on their behalf for any farm [to the Exchequer]"¹.

A frequent clause in borough charters conferred freedom on any villan who resided safely for a year and a day within the walls of the town². According to Gervill³, the villan was required to take up the rights of citizenship; sometimes it was necessary for him to be a member of the guild merchant, and sometimes also to hold land in the borough⁴. Apparently the villan could not return to his master without running the risk of being reclaimed by his lord⁵. There is record of an unsuccessful attempt made in the reign of Edward II. to reclaim some villans in Norwich⁶; they had resided for long periods, one for sixty, another for thirty years, and were "at work and set and at tollage with the free citizens". In the latter half of the fourteenth century the villans began to appreciate the importance of this avenue of escape from their bondage, and to utilize its opportunities. The landowners complained in parliament (1356) that villans fled from their lords into enfranchised cities and boroughs, and under cover of the franchise remained in security, whilst the townsmen fiercely repulsed all efforts to recapture them. They demanded that every lord might enter into a city or liberty and there seize his villan, but the king rejected the petition⁷. The importance attached to the privilege is shown by the frequency of its appearance in borough charters; it was intended to attract settlers, and to protect the townsmen from all pretext for outside interference. But the right of a fugitive villan to obtain emancipation by residence within the walls of a town was not everywhere conceded, as is usually supposed. It

149 The
privileges
of freedom
by villans

¹ *Records of Nottingham*, ed. W. H. Stevenson (1886), I. 2.

² *Id.* 148-151.

³ *De Legibus* vi. 2.

⁴ *Id.* 151. *Mansfield's (1395) Charter Rolls* II. 106, 107. *See* *Frederick W. Deane and J. Richard, History of the Province of Lincoln* (1881) 73.

⁵ *Statuta, Henrici Regis*, 1395-1396.

⁶ *Parl. Rolls* 134-5. Similarly, *Letter Book E*, 80.

⁷ *Ibid.* *Foot.* 12, 124-5.

was withheld, for example, in a charter granted to Plympton (1283) where a saving clause reserved the lord's prerogative over his subjects: "saving that the bondsmen of the said by tarrying in the city shall not acquire their freedom by any liberty of the city without the said's special consent".¹ Sometimes also, the privilege was made an occasion for extortion. In 1267 the citizens of Lincoln complained that the "mayor and others of the city by force and intimidation have detained men dwelling in the city to give money to them for their liberties".²

Other privileges varied from borough to borough. The citizens of London³ were freed from military and naval obligations, while Oxford and Cambridge⁴ were each liable for the service of twenty soldiers in the field. At Pontefract the burghers were not required to go upon any expedition unless the lord accompanied them, and provided they were able to return on the same day.⁵ For the economic historian, however, interest attaches mainly to the mercantile privileges, of which the chief was the grant of a merchant gild. This will be the subject of a subsequent chapter.

¹ *Gloucester Rolls*, II, 303.

² *Plymouth Rolls*, 1281-1292, p. 102.

³ *Ibid.* 1292-1293, p. 130.

⁴ *Ballard, Borough Charters*, p. 120.

⁵ *Deben and Marston, History of Pontefract Guild*, 75. It is difficult to define the term, *liber burgi*. Cf. *Gloucester Rolls*, I, 9; holds that "it was a various phrase conception. It comprised a vague aggregate of franchises". Professor Tait (*Yorkshire Manuscripts*, 40) is of opinion that "the constitution of a 'liber burgum' meant no more than the relinquishing of a free burgage tenure and customs for the villen services and market of the rural manor". This means the most probable view and with it may be compared the statement of the chronicler *John Gower* (1360), 121 that before the town of St. Edmund's became free the villeins would be compelled to work, but when it received the name and liberty of a borough the commoners committed their services for a temporary period. The two features common to all boroughs, Mr. Ballard (*Through Gloucester*, p. 120-121) has pointed out, were (1) burgage tenure and (2) the borough court. Cf. also *Public Statistics, British Supplementary*, in *Statist.* I, 47 (p. 4).

CHAPTER VI

FAIRS AND MARKETS

The two functions of medieval fairs and markets.

In the Middle Ages the greater part of the internal trade of the country was carried on at fairs and markets, and the history of their organization and growth occupies an important chapter in the development of mediæval commerce. For many centuries they were the chief centres of traffic and the main channels of commercial intercourse. But the period during which their activity was at its height was that of the twelfth, thirteenth and fourteenth centuries, when England became covered with a network of markets and fairs, of which some rivaled in fame even the great French fairs of Champagne and Lyons. Their importance indeed can scarcely be over-estimated, for at a time when the streams of commerce was fitful and scanty they furnished what was commonly the sole opportunity for the purchase and sale of distant products. They represent in fact a phase of commerce which can best be described as periodic¹; where distribution and exchange takes place at periodical gatherings and not in permanent centres. In the most primitive stages of commercial activity, when human needs were less intense, the scope of production and distribution alike was restricted to the satisfaction of the most pressing wants. In later stages, commercial dealing gradually became part and parcel of the everyday life of the community. Between the earliest and the ultimate stages lay an intermediate stage, in which the growing classes of society were met by increasing skill in production and an ever-widening circle of distribution.

¹ Herbert Spencer, *Principles of Sociology* (1891), i. 495.

But opportunities of distribution were still confined to fixed periods, for while the exchange of commodities had become a recognised practice, social duration and the difficulties of transport impeded their rapid and increasing circulation.

In their first beginnings fairs and markets appear as a religious rather than as a commercial institution. They originated in the religious assemblies of pious worshippers who congregated round famous shrines on the feast days of saints. Indeed between the festival and the fair there is a close, almost inseparable, relation: "there is no great festival without a fair, no fair without a festival"¹. The concourse of strangers from distant parts afforded opportunities for the exchange of products, and the pilgrim was often also a trader². These periodical gatherings became the natural centres for commercial dealings, and merchants were always assured of the presence of buyers in an age when population was scattered and seldom concentrated in large groups. Moreover, the innumerable purposes for which the assemblies were held threw over the tinsel the cloak of religion, and aroused a degree of security which induced him the more willingly to leave the risks inseparable from his calling. The influence of the Church was undoubtedly a powerful factor in fostering the temporary pacifics to which the fair usually owed its rise.

In England we get occasional glimpses of a religious origin in the case of some of the fairs. Before the Norman Conquest there was an annual gathering at the feast of St. Cuthbert in the palatinate of Durham³, and from this gathering sprang the great fair which took its name from the saint. Again at St. Ives in Huntingdonshire the discovery of the bones of the saint led to the institution of one of the greatest of English fairs⁴. Our knowledge of early English fairs and markets is, however, very scanty, and we have only slight indications as to their condition at the

fair—
religious
origin.

Early
English
fairs.

¹ P. Barthelemy, *Etudes historiques sur le droit des marchés et des foires* (1847), et Cf. also C. Walcott, *Fairs* (1873), p. 7.

² *Historische Skizzen Germaniens*, ed. P. Jaffé (1873), p. 107.

³ Cf. T. Lapsley, *The County Palatine of Durham* (1906), 102.

⁴ *Revue de l'histoire*, *Croniqueur officiel de l'histoire*, 1, 107.

time of the Conquest. Domesday Book records the existence of forty-two markets¹, and their value varied considerably. At Netcham in Hampshire² the market was worth as much as eight pence, and at Olchampton³ in Dorsetshire as little as four shillings. References to fairs are extremely rare, nor is their value stated as in the case of markets. One was held at Aspella in Suffolk and another at Masele in Cornwall⁴. The silence of Domesday Book is no proof that fairs did not exist, and, moreover, many important towns, London, Winchester and others, were omitted from the Survey. There is, for example, an early mention of a fair at Chester in connection with a grant made to the Constable Nigel by Hugo, Earl of Chester, who came over with the Conqueror⁵; and William I. conceded an annual fair to Malmesbury Abbey⁶. Again at Arncliffe in 1071 Roger de Montgomery was granted the town of Arncliffe with its fair and market,⁷ and all other liberties to the same appertaining⁸. But the really important fairs—St Giles, St Ives, Stratford and Bartholomew—were founded in subsequent reigns. Whatever their history at an earlier date, by the time of the completion of the Hundred Rolls, the institution of fairs and markets had struck deep roots and had become an essential part of the economic framework of English society.

*The page
of the fair*

The development of markets and fairs was continuously facilitated by the protection which the Church and the monarchy extended to those who frequented them, and the market-areas became the centres of the peace of commercial intercourse⁹. They constituted the basis of commercialism in "a wilderness of rudeness". The importance of the peace of the fair finds expression in the numerous charters in which it was accorded special protection. In the charter of St Ives (1125) the king says: "I will and ordain that all who come to the fair, remain at it, and return from it, have

¹ Halliwell, *Domesday Inquest*, 116.

² *Domesday Book* i, 21.

³ *Ibid.* i, 105, 1.

⁴ *Ibid.* ii, 498 (Aspella); i, 105, 1 (Masele).

⁵ W. Douglas, *Middlesex Domesday* (1915), p. 187.

⁶ *Anglo-Saxon Legal Documents*, ed. H. G. L. Ford (1927), p. 55.

⁷ H. E. Sawyer, "Some Markets and Fairs," in *Anglo-Saxon Collection*, 1926, 121.

⁸ *Harvard, Anglo-Saxon*, 27.

my firm peace"¹. Henry II. promised that all who attended the market of Nottingham² from the eve of Friday to the eve of Saturday should not be distrained except for the long's term; and the violation of the royal protection involved penalties of forfeiture to the king. The clearest sanction of the peace of the fair is in the laws of the Scottish boroughs: "Thus as the ordinance of the peace of the fair—that once the peace of the fair has been proclaimed, no one shall be attacked in the fair unless he break the peace of the fair", and unless he were an outlaw, or a traitor or such a malefactor "whom the peace of the Church ought not to protect", even the fugitive and was immune from arrest while the peace of the fair lasted³.

Other factors contributed greatly to the formation of markets and fairs, and among these was the importance attached in Anglo-Saxon law to the presence of witnesses at all purchases and sales, in order to avoid traffic in stolen goods. From the earliest times we find legislative enactments relating to the prohibition against secret transactions. Already in the seventh century the laws of Ine⁴ bade the chapman do his traffic among the people before witnesses, while Edward the Elder⁵ and Athelstan⁶ went a step farther in ordaining that no man buy anything out of port, but there do his bargaining with the witness of the port-reeve or other 'wilyng' man. Edgar⁷ instituted official witnesses, thirty-six in large boroughs, and twelve or more if necessary in small boroughs and in hundreds. Canute⁸ enacted that no one should buy anything above the value of fourpence unless he had the oath witness of four men,

The sanction of witnesses.

¹ *Cart. M. de Burges* i. 220. The charter of Bartholomew fair contains a clause: "And I forbid any of the royal servants to impound any of their persons or without the consent of the citizens . . . to levy dues upon those going thither." H. Markie, *Monks of Bartholomew Fair* (1912), 16.

² *Records of Nottingham*, i. 3. On the subject of immunity, *Brit. Arch. Soc. Trans.* xiv. 107, p. 127.

³ "Leges Burgenses" in *Antient Laws and Customs of the Borough of Scotland* ed. C. Elton (1882), i. 41, 42.

⁴ *Laws of Ine*, ed. D. Whitelock (1917), 102.

⁵ *Ibid.* i. 128 (1003-1013).

⁶ *Ibid.* i. 128 (1013-1027).

⁷ *Ibid.* i. 128 (1027-1033). *Woolley (Lancaster in England in 1327)* thought that these witnesses institutionalised the fair as a regulated market.

⁸ *Laws of Canute* i. 129 (1017-1035).

*Impoverishment
of the great
market*

and the series of prohibitive enactments was continued in the legislation attributed to William and his successors. These injunctions served to consolidate the market-system by gathering the people together on fixed days in the week or year, for purposes of buying and selling. The effort to concentrate trade in recognized centres widened the market a natural medium for all commercial dealings. The expansion of the royal exchequer tended in the same direction, and acted as a powerful lever in forcing the internal trade of the country into artificial channels, in order to facilitate the collection of tolls. Henry I tried to make Cambridge the sole custom-house in the shire: "I forbid that any boat shall ply at any place in Cambridgeshire save at the huts of my borough of Cambridge, nor shall any barge be taken save in the borough of Cambridge, nor shall any take toll elsewhere but only there"¹. Similarly Henry II ordered foreign merchants in Lincolnshire to do their trading at Lincsle, "so that my reeves of Lincoln may not lose my royal customs"². The importance of safeguarding the revenue of the Crown doubtless prompted the law of Athelstan early in the tenth century: "Let every market be within port"³. In a late compilation of laws William I is made to confirm this: "There shall be no market or fair save in the cities of our realm, and in boroughs enclosed and fortified by a wall, and in castles and in very safe places, where the customs of our realm and our common law and the royalties of our Crown, which were constituted by our good predecessors, may not perish or be defrauded or infringed, but where all things may be done righteously and in public and by judgment and justice"⁴. At a much later period Edward I also attempted to confine the trade of North Wales to fixed centres, but the object here was to benefit English burgesses settled in those boroughs by giving them the monopoly of trade. The Welsh traders resisted the ordinance, partly on racial grounds, and partly to avoid the market tolls from which in the past they had apparently enjoyed immunity⁵.

¹ Cambridge through Charters, ed. P. W. Huchard and M. Bateson (1909), 2. ² W. de G. Roper, *Royal Charters of Lincoln* (1900), 102.

³ *Edwardsburg*, London, 1, 126.

⁴ 1140 = 424/5 (1170).

⁵ Lewis, *Medieval Boroughs of Lincolnshire*, 174-175.

The exclusive monopoly of trade, which towns in the Middle Ages so jealously asserted, affords a further explanation of the rapid development of redemmed markets and fairs. The townsmen carefully guarded their commercial privileges, and were reluctant to extend them to the stranger in their midst. At fairs and markets, on the other hand, full freedom of traffic was accorded indifferently to alien and native, to burgher and stranger; and it was this policy of free trade and the open door which attracted traders and afforded scope for the unobstructed play of commercial forces. Moreover, the stringent provisions contained in borough customs against trading outside the walls of the town were commonly relaxed in favour of the great market, and this concession enabled burgesses to carry their wares to distant centres.

The classical doctrine as enunciated in the pages of Coke and Blackstone lays down that markets and fairs can only be set up in virtue of a royal grant, or by long and unexceptional usage and prescription which presupposes such a grant.¹ This doctrine also held good in the Middle Ages, and it was among the duties of justices of the eyes to inquire "if any new market had been set up without the licence of our lord the king."² The grant of a market or fair was essentially a royal prerogative, and was usually embodied in a formal charter or letters patent.³ The important fairs of Bartholomew and St. Ives were expressly founded by charter, but the fair at York was claimed by the archbishop on the ground of prescription, "from a time whereof there is no memory."⁴ In the county palatines of Durham the right to erect fairs and markets was vested in the bishop, though he was careful to retain in his own hands the great fair of St. Cuthbert's.

In a feudal organization of society the sovereignty was easily reduced to acknowledge the royal rights of the Crown, and

¹ *E.g.* *Wynne's Medieval Antiquaries* of J. H. Ryte and F. W. Dugby (1891), i. 24.

² *E. Coke, Second Part of the Institutes* (1678), 200; W. Blackstone, *Commentaries* (1765), i. 173.

³ For a typical grant of a market and a fair, see H. Hall, *Feudal Book of Diplomatic Documents* (1905), 21.

⁴ *Placita de Eboracria*, 173 a. For a market held by prescription, see *Placita de Eboracria*, 173 a.

⁵ *Lapsley, County Palatine*, 10.

*disposition
of royal
rights*

no privilege perhaps was more lavishly conceded than the grant of fairs and markets. These grants were conferred upon towns and churches and individuals. Many towns¹ set up their own fairs and markets, but their privilege rested upon the royal licence. There was in fact an important difference between the commercial privileges of English and Scottish towns. In Scotland a borough exercised the right to hold a market as its natural monopoly, and maintained the complete control over all trade within a very wide area. The charters of Perth, Aberdeen and Inverness² gave them the exclusive privilege of trading within the counties of which they were the head, while the laws of William the Lion³ ordered merchants to come with their merchandise to the market of the borough and there expose it for sale. But in England a different system prevailed; wherever the municipality acquired the privilege of a market, this privilege proceeded as a gift from the Crown⁴, and was not part and parcel of the ordinary municipal franchise. Similarly in Wales the franchise of a market or fair was distinct from that of the borough, being based upon a separate charter⁵. English fairs and markets were also often in the hands of private individuals; for example, the market of Bolton belonged to a knight⁶, and in 1206 Hugh Despenser petitioned Edward I. for the right to hold a fair⁷; while Lord Berkeley owned three fairs, two at Newport and one at Berkeley⁸. But the most frequent recipient of the grants was the Church, which generally, though not invariably, controlled all the great fairs and forced into the background those set up by the boroughs; at Cambridge

¹ *ib.* i. 107. Henry III. granted a fair to Hereford (*Wals. Hist. Cant.* 1278 *top. app.* no. 112) and to Worcester (*W. A. Adams, Annals of the Priory of Worcester* 1810, p. 2). *ib.* 1224. Edward II. gave a fair to Colchester (*Chartes of Colchester*, ed. W. G. Bellamy 1894, p. 2). *ib.* 1230. Edward III. granted two fairs to Gloucester (*Letter Book C* 128).

² Bellamy, *Borough Charters*, 179.

³ *Illum. Scot. Law*, i. 124. *ib.* ii. 126-127.

⁴ E. H. Blyth (*Memorial History of Cities and Boroughs*, 1877) p. 224 agrees in regarding the possession of a market and fair as an essential characteristic of a true borough. But the franchise was not restricted to boroughs. Cf. H. A. Havertham and A. J. Stephens, *History of Boroughs and Corporate Towns* (1892), p. 28.

⁵ *Ibid.* *ib.* 210.

⁶ *Letter Book of Berkeley*, 149.

⁷ *Ibid.* *ib.* 127.

⁸ J. Berkeley, *History of the Borough of Berkeley* (1876) p. 22.

the fair which the townsmen held from early times was completely overshadowed by the fair of Steerhedge. Sometimes the control and profits of the fair were shared between two or more persons¹, and a fair at Exeter was divided between the Crown and the city². Rights of fairs and markets were transmissible by hereditary right³, and apparently could also pass to a purchaser, for the plea that the charter lapsed when the franchise was sold to a stranger was overruled in a court of law⁴. A statute of Edward I.⁵, however, enacted that a writ of inquiry must precede the purchase of any fair or market.

Whether in the hands of the king or his subjects, a remarkable number of periodical markets sprang up and flourished in England during the twelfth and subsequent centuries⁶. The great attraction to their creation was the recognition that they were a lucrative source of income to their owners. It is exceptional to find a *free fair* where neither toll, custom, nor stallage was taken from traders⁷. At Manchester, in 1288, the lord of the manor was drawing £6.13.4 from his tolls—an amount nearly equal to his burgage rents, and no inconsiderable sum for those days. The market and fair at Bradford (1322) were worth £6, and the stallage of the Liverpool fairs and markets was farmed for £20.

Page of
text and
marginal

¹ *As Angell in Suffolk* Ralph Peverel had "the third part" of the fair, *Domesday Book* ii. 212. At Dorset "was mastery of the market belonging to the, and of Boleyn, a fourth part to Richard Winton, and a fourth part to Richard of Chichester". *Fin. Aids* 718. At Dublin the corporation had the fair for ten days and the burgesses the remainder. J. E. Gilpin, *History and Municipal Government of Ireland* (1870), 42.

² *Ibid.* 100 n.

³ *Ibid.* 101.

⁴ *Placita de Quo Warranto*, 38, 102. On the other hand, the requestant's petition was regarded as an abuse in *Fin. Aids* i. 212. Sometimes the lord gave away his rights: Thomas Becket gave to the Church "the whole toll of the ports of the town of St. Malo". *Ann. MSS. Chron. France* 1014-15. The grant of St. Malo received a title of the profits of the fair held in St. Malo. *Associated Architectural Societies' Reports and Papers* 1871-72.

⁵ *Statutes* i. 194. Apparently, if the grantor did not avail himself of his grant, it fell into desuetude and a covered licence necessary. cf. *Fair and Market*, 11-12, 126, p. 278.

⁶ See *Calendar of Grants of markets and fairs by the First Report of the Royal Commission on Market Rights and Tolls* (1883) i. App. nos. For St. Malo see Lewis, *Normans*, 129.

⁷ This was at Berke. *Charter Rolls* ii. 296 (1267). For French examples, cf. St. F. Desjardins in *Mémoires présentés à l'Académie des Inscriptions et Belles-Lettres*, 1881 nos. v. 15.

St. Botolph's fair (1283) produced over £50 in rents and stallage, and £50 in profits of jurisdiction. Most striking of all was the fair of St. Giles, which at the end of Henry II's reign brought in £40¹. The revenue derived in this way helped to maintain well-endowed and charitable foundations: the greatest of all English fairs, Stourbridge, was created by King John to support a hospital, and he also granted a fair to the hospital of St. Mary Magdalene at Ipswich². It was equally for their profit that they were valued by individuals and public bodies. In 1234 Northampton petitioned for a fair to enable it to pay its fee-farm to the Exchequer³, and at another time a fair was granted to restore a village destroyed by fire⁴. According to Matthew Paris, the abbot of Ramsey when deprived by the king of St. Ives fair asserted that he would have preferred to lose many manors⁵. When a quarrel broke out between the lord of St. Botolph's fair and the men of Lincoln, one of the witnesses declared before the commonsalty "that he would rather give out of his own church ten pounds before he would lose his fair of St. Botolph"⁶.

The organization of fairs and markets was seldom uniform, and the exigencies of local requirements afforded scope for a great variety of practices. But though one differed from another in matters of detail, certain features were common to all. They were often held within the churchyard⁷, although the custom was denounced as a profane and scandal to the church⁸. An episcopal charter to Wells in 1200 enjoined that all who came to the fair should "by no means presume to enter, or disserve, the church of Wells or the church-porch to sell their merchandise"⁹, and Robert Grosseteste forbade markets in his diocese

Disputed
site of the
church

¹ [i.] *Monastery: Richard, Monasteria*, i. 129. [ii.] *England: J. Jones, History of Stafford* (1840), 41, 42. [iii.] *Leicestershire: Fox, County and Leicestershire*, 2, 216. [iv.] *St. Botolph: F. Thompson, History of Ipswich* (1897), 201. [v.] *St. Giles: Pipe Roll, 1 Hen. I, fol. 3. Martin, 1892, p. 1.*

² *Ipswich, Annals of Ipswich*, 2.

³ *Ips. Pipe*, 10, 12, 13.

⁴ *Walsley, Northampton Fair*, 109.

⁵ *St. Paul's, Chronicle Major*, 7, 109.

⁶ *See above*, 2, 201 n. *Stourbridge, Staffordshire: Paines, Stourbridge*, 12, 13 n. 12, p. 142.

⁷ For ecclesiastical analogies, cf. *Harvard, Essay in European*, 21, 22, 23.

⁸ *Stat. 25 Hen. II, Canon*, 1180, 1, 430; *ibid.*, 10th Reg. App., 10, 145.

⁹ *Richard, Borough Charters*, 273. Henry III. restricted the fair at Northampton from the churchyard: *Annals, Annals, Soc. Reports*, 1891, 73.

to be held within churchyards.¹ Edward I issued a general prohibition in the Statute of Winchester (1285), which enacted that "from henceforth neither fairs nor markets be kept in churchyards for the honour of the church"². It is seldom safe, however, to regard medieval legislation as an index to anything more than the intentions of the legislator. There is at any rate evidence that as late as the fifteenth century the churchyard was still the resort for buyers and sellers. At Exeter merchants who brought their merchandise to town to sell at times of fairs were accustomed, "when that great multitude of people cometh to the city, to lay open, buy and sell diverse merchandise in the church and cemetery"³. Again at Worcester the prohibition was renewed as late as 1499⁴.

The injunction against the desecration of the church was extended to the desecration of the Sabbath day. In 1449 a petition in parliament⁵ complained of the practice in towns that vividly depict for us the life of a medieval fair: "For great earthly covetise the people is usually more wroth and in bodily labour defiled than in other festival days, as in pricking and making their booths and stalls, bearing and carrying, bring and plading their wares outward and homeward, as though they did nothing remember the horrible defiling of their souls in buying and sell[ing], with many doubtful lies and false perjury, with drunkenness and strikes, and so specially withdrawing themselves and their servants from divine service". As early as the tenth century a vigorous effort was made to prevent the holding of markets on Sundays. In the laws of Edward and Guthrum (c. 921) it was enacted that if any one presumed to engage in traffic on Sunday, he should forfeit the chattel and a money penalty besides. Athelstan (c. 925) ordained "that no marketings be on Sunday"; a later Witan apparently renewed this (c. 939-955), but subsequently in 1000 and 1014 it was again reiterated. "Let Sunday's festival be rightly kept," and let Sunday's

Desecration of the Sabbath.

¹ A. Wood, *City of England* (ed. A. Clark, 1896), p. 52 (n. 2).

² Statute, c. 26.

³ Green, *Worcester*, II, App. 561.

⁴ Rot. Parl. v. (149-151), Statute, c. 351.

⁵ *Laws of John Gillingford*, 25.

marketing be strictly forbidden"¹. The laws of the Northumbrian priests also forbade "Sunday marketing and all gatherings of the people and all labour and travelling"². Legislation, however, was ineffectual in suppressing a practice so deeply rooted, and in *Domesday Book* the market of St. Germans in Cornwall is distinctly stated to have been held on Sunday³. Neither the Norman Church nor the Norman king appear to have regarded Sunday marketing with disapproval. The Conqueror granted to the monks of Battle a market every Sunday⁴, and in 1086 a charter of Wells granted that there should be a free market every Sunday, "as there is now and is wont to be"⁵. In the thirteenth century a renewed attempt was made to compel the observance of the Sabbath. The abbot of Fluvi was sent by Innocent III. to England to put an end to all buying and selling on Sundays, and for a time his preaching met with success at London⁶, Bury St. Edmunds⁷, and "many other places throughout England"⁸. His work, however, was soon undone, by the resumption of the market-day character, despite the fact that a large number of markets were under ecclesiastical control⁹. Everywhere men continued to buy and sell at a time when "they ought to be at divine service, minding their souls' welfare"¹⁰. At Norwich in 1286 it was "granted by the whole community that the market for the sale of victuals shall be . . . every Sunday as anciently used", but in 1298 the order was rescinded¹¹. In the reign of Henry VI. an act was placed on the statute-book, reversing the old legal enactment with a proviso in favour of "necessary victuals" and "the four Sundays in harvest"¹². But Sunday marketing did not die out, and in parts of the country survived the close of the

¹ *Elisberrnan, Customs*, i. 235. Also 232, 241, 282.

² Dr. Williams, *Early Anglo-Saxon Law* (1912), 201. Also 22.

³ *Domesday Book*, i. 126 b.

⁴ *idem*, *Anglo-Saxon Laws*, i. 75.

⁵ *Pollock, English Customs*, 172.

⁶ *Chronicle Majors' Report de Roubaix*, iv. 102.

⁷ *Chronicle Jourdan*, 26.

⁸ H. Fourn, *Chronicle Majors*, ii. 262. The market at Cornwinton was held on Sunday in the thirteenth century, though ceased by the abbot; *Fourn, Roubaix and Ghent, Journal des m. par. i. par. 10, 21*.

⁹ *Fourn, Roubaix*, 1218-1219, p. 204.

¹⁰ *Records of Norwich*, ii. 17, 206.

¹¹ *Statutes*, ii. 132.

sixteenth century. A petition from the preacher at Bishop's Castle in Shropshire addressed to Lord Burghley (1566) lamented that "contrary to the express word of God, and contrary also to the laws of this realm, the fairs holden not only in the town of Bishop's Castle, but also for the most part in all other towns in Wales and the Marches thereof . . . are holden upon the Sunday . . . and where in all the chief cities and towns of this realm . . . the same great abuse is reformed, and somewhat reformed chiefly in Wales and the Marches"¹. The *Acts of the Privy Council* (1580) contain a letter of Charles to the bishop of Chester, "with their lordships' petition touching fairs and markets kept on the Sabbath day"². At Lislefeld a meat market was held in the churchyard on Sunday before service according to "an old and ancient usage", and in 1586 the schoolmasters petitioned to be allowed to retain it. They recounted their troubles with much bitter complaint of the vicar, who one Sunday "in a very outrageous manner, ill-becoming a man of the Church", had thrown the butcher's meat on the ground, "most painful to behold", and also threatened to kill him even "if he hunged for it half an hour afterwards". He followed up this exploit with a sermon preached "in a most melancholy and angry vein", until his uncomfortable audience left "with themselves at home"³. Again at Bassetts the Sunday market was not changed to Thursday till the end of Elizabeth's reign⁴, and the persistence of the practice affords a further illustration of that conflict between law and custom, which constitutes one of the most interesting developments of the later Middle Ages. We are apt to assume too readily that the promulgation of a law initiated a new departure, or embodied a change already partially or completely accomplished. But medieval statutes are often more valuable for the light they throw upon the aspirations of the moment, than they are trustworthy as a guide to actual economic practice. This is a truth of which we shall be reminded in more than one connection.

*Sunday
marketing
in the
sixteenth
century*

¹ *Ellis: Introduction to Documents Relat. to 1566* (p. 4).

² *Acts of the Privy Council, 1580-1581, p. 102.*

³ *Ellis: County of Chester, MSS. B. 16.*

⁴ *Deane Ancient Collections, vol. vi, 183.*

*On selling
of the fair*

Questions affecting the duration of the mart were of vital moment to the lord and to the trader. On this account they merit some attention, for from the apparently dry and insignificant details gleaned from records and charters, and pleadings and inquiries, is built up the living story of the growth of English commerce. The market, held once a week and occasionally more often¹, lasted a single day, the fair was an annual institution, though several fairs were sometimes held in the same place during the course of the year. Nottingham had two fairs: Eton College two; Bristol and Cardiff had three; and Wells four, which belonged to the bishop². The duration of the fair varied considerably in different parts of the country; sometimes it was limited to two, three and four days, but more commonly it was spread over a week³. Frequently the period of the original grant was lengthened by royal favour. In 1296⁴ William Rufus bestowed upon the bishop of Winchester the fair of St. Giles to last for three days; Henry I. prolonged it to eight days, Stephen to fourteen, and Henry II. to sixteen. In 1269 the bishop purchased a further extension of eight days by the payment of £60⁵. At Coventry the fair lasted only one day until Henry VI. increased it to eight days⁶. As English trade developed and the needs of society grew apace, the tendency was for the fair to become more and more important and to extend over longer periods of time. From this standpoint the protraction of the fair has a marked significance, and it became increasingly common for the fair to extend over a month. The burgesses of Hull⁷ received from Edward I. a fair of thirty days, and

¹ Hull had a market on Tuesdays and Fridays. *Chronicle of Ringers upon Hull*, ed. J. H. Davis (1894), 5. *Yorks Chronicle* also had two markets: *Forest Hills*, 1218-1220, p. 124. *Lincoln* had markets on these days in the 1250's: *Annals of Charter of Lincoln*, 22.

² (1.) *Records of Nottingham*, 1, 22; (2.) *Rec. York*, 2, 284 (Eton); (3.) *Letters, Bristol Charter*, 20-21; (4.) *Records of Cardiff*, 2, 71; (5.) *MSS. MSS. Comm.*, Wells 1, 120.

³ *Forest Hills*, 1218-1220, pp. 127, 129.

⁴ *Chronicle of Edward III.*, ed. G. H. Rodes (1886), 23.

⁵ *Forest Hills*, 1218-1220, pp. 215, 216.

⁶ *First MSS. Comm.*, 1218-1220, App. 2, 120. John granted a fair to Northwold for two days, and Edward III. extended it to twenty-eight. *Pleading of the Merchant, Northwold* (1876), 22.

⁷ *Chronicle of Hull*, 3.

Edward III. granted to Northampton¹ a fair of four weeks. But any extension of the fair required the royal licence², and without it the extension was illegal and involved the forfeiture of the franchise to the Crown. In 1299, the royal collector seized into the king's hands the fair of St. Giles, "together with the tolls and other profits accruing from it", and refused to surrender it on the ground that the bishop had held the fair beyond its proper term imposed in the charter. The king restored it to the bishop 'de gratia speciali', but with the caution not to repeat his offence. The king's jealous apprehensions were shared by the townsmen with whose commercial monopoly the holding of the fair conflicted, and in an agreement between the prior of Lenton and the burgesses of Nottingham the former was induced to lessen the great fair of Nottingham by four days³. Similarly the Oxford fair of St. Frideswide and Austin Friars were limited to eight days⁴.

Equally stringent was the exercise of the royal control in other directions. It is common to meet with petitions praying for an alteration in the time of holding the fair⁵, for sometimes the fair did not flourish because the feast on which it was held was observed as a holiday in the town alone and not in its neighbourhood⁶. The king's sanction was always needed to make the change valid, and Baume⁷ expressly states that the justices itinerant should make inquiry "of markets removed from one day to another

*Removal of
fairs and
markets.*

¹ *Records of Northampton*, i. 56. Similarly the fair of Westminster lasted 34 days.—*Patent Rolls*, 1292-1293, p. 342.

² E.g. the letters of licence procured for an extension of his fairs of Bury and Norwich. See *Pat. R.* 1292-3. Again in 1292 the fair of St. Giles was granted temporary extension by letters patent. *Patent Rolls*, 1292-1293, p. 34. The bishop of Worcester was allowed to extend his fair from eight to sixteen days. *Charter Rolls* 5, 270.

³ See *Pat. R.* 1292-3. Similarly St. Nicholas's fair at Thrapston. *Records*, 24. Edward III. forbade the extension of the fair beyond the time fixed by charter or prescription.—*Statute* 1, c. 10, etc.

⁴ *Records of Nottingham*, i. 31.

⁵ *Records of Oxford*, 116. The town's desire of less is illustrated by the petition of a mercer customed at Manchester. G. Ballard Wilson, *History of the Foundation of Manchester* (1861), pp. 20.

⁶ See *Pat. R.* 1292-3, 1293-4.

⁷ *Patent Rolls*, 1292-1293, p. 342.

⁸ *Statute* 1, c. 17. Cf. *Statute*, i. 121. At Loughborough the market and fair were temporarily discontinued because held on the wrong day. *Records of the Wars*, 364.

without the licence of the king". He allows, however, that a lord may change a market held on Sunday to some other day in the week, but if this concession is anything more than merely a legal opinion it was certainly a recent development. In earlier times there are numerous instances of temporary announcements being imposed whenever the market-day was changed from Sunday without warrant.¹ Similarly the royal licence was necessary to transfer a fair or market from one place to another. The abbot of Holm-cottran² was allowed to remove his fair and market to his town of Kiderby-Jehan, he had paid a fine of a hundred marks to hold them at Skynburness, but now both the town and the road leading to it were washed by the sea.

Dispute
between
neighbouring
royal towns.

There was considerable antagonism between the fairs and markets of the different localities, an antagonism which has its counterpart in the struggle of the towns to assert their supremacy over one another. The lord of a market or fair was jealous of any encroachment upon his liberties, which might diminish their value or lessen their profit. Sometimes the grant expressly forbade a rival market to be set up in the neighbourhood; in his charter to the minister at Peterborough³, Edgar ordered that there should be no other market "between Stamford and Huntingdon". At other times the burghmen themselves tried to control the erection of new markets by proclaiming "that no foreign fair or market may be raised in the vicinity of the burrough, to the injury of the fairs and markets of the burrough"⁴; while the Church obtained papal injunctions safeguarding its privileges.⁵ More commonly, however, a proviso protecting local interests was inserted in the charters by which the grants were conferred, and an inquisition *ad quod damnum* was held to ascertain whether the new mart conflicted with those already established. As early as 1206 two charters of King John,

¹ *Plac. Abbatis* 561, 412, 413, 414; *Select Plac. of the Crown* (1865, Ser. 74) p. 20. Broun's opinion seems supported by a case in 1210 where an objection was raised to the change. *Plac. of the Crown for Calendar* 18.

² *Ibid.* Part 1, 119, 5.

³ *Anglo-Saxon Chronicle* 107, 119.

⁴ *The Colchester Corp. Recd.*, 21.

⁵ *Reg. Cant. Archiep. de Beconno*, ii. 122. Cf. also *Early Yorkshire Charters*, ed. W. Rye (1902), i. 126.

granting a fair to the bishop of Ely and conferring a market at Highworth in Wiltshire, contained the clause "so that it be not to the injury of the neighbouring markets and fairs"; and subsequently this became a stereotyped formula. But it was not easy to determine with precision what exactly constituted either an injury or a neighbouring market. In this connection the following passage in Bracton¹ is of primary importance: "A market may be called neighbouring and the nuisance tortious"²; if "raised within six miles and a half and the third of a half. And the reason is, according to the saying of the elders, because every reasonable day's journey consists of twenty miles. The day's journey is divided into three parts. The first part, that of the morning, is to be given to those who are going to the market. The second is to be given to buying and selling, which ought to be sufficient to all, unless they be merchants who have stalls where their goods are deposited and exposed for sale, to whom a longer delay in the market may be necessary. But the third part is left for those returning from the market to their own homes, and for doing all those things which must be done by day and not by night, on account of the quere and attacks of robbers, that all things may be in safety. When therefore a market has been obtained within such a limit, it will have to be levelled since it is a harmful and tortious nuisance, because it is so near". Bracton's doctrine is supported by Edward III's charter to London in 1327, in which he granted that no market should be conceded to any one within a seven miles' radius of the city³, and also by a sixteenth-century charter to Boston⁴; but practices conflicted in different parts of the country. In 1482 the King's attorney had it down⁵ that "a market ought to be five miles distant from another

¹ *Records of Cardiff, in, & (Llandell)*; *Med. MSS. Comm. Bristol*, iv.

20

² "et in actionem habet ut sita, licet per laesorem et damnum."

³ *Ibid.*, i, 232.

⁴ *Letter Book E. 1561*. Similarly the charter of Yorktown forbids markets within seven leagues: *Med. Port.* ii, 324.

⁵ *Thorpington, Sussex*, 361.

⁶ *Placita de Joh. Willelmo*, 134. "An ancient custom of the citizens of York was that by the law of the land no man ought to have a free borough within six miles of the town . . . or less than six miles." *Ennis, Gloucestershire*, 192.

market"; while again a market at Lyme¹ was condemned on the ground that it was "distinct more than five miles, but less than six", from that of Hindport.

Legal
control of
trading

The competition between rival centres of traffic was carried on with remarkable vigour in the century that followed the Norman Conquest, and legal doctrines were made to restrain their growth within moderate limits. In the proceedings of juries many complaints are raised as to the infringement of existing claims. Already in *Domesday Book*² we are told how "in that water there used to be a market . . . and it was held on Saturday; and William Malet set up another market on the same day in his castle, and thereby the bishop's market is so spoiled that it is of little worth". In 1324 *Domesday*³ alleged that it was impoverished by the grant of fairs and markets to religious persons and others, and a few years earlier (1304) *Newcastle-upon-Tyne* complained that the prior of Tynewood held a fair for fifteen days at which ships were discharged their cargoes, since it was nearer the harbour.⁴ Most striking of all was the attempt on the part of London to compel all traders to resort to its markets, by forbidding its citizens to attend any fair or market outside the city.⁵ The ordinance aroused the utmost alarm, and it was declared that, if persisted in, it would "be to the utter destruction of all other fairs and markets within the realm".⁶ The men of Bristol made a similar attempt to crush their rival at Bath.⁷ Where the rivalry of the markets was at its height, the hostility excited by the struggle frequently culminated in open conflict. The account given by a merchant

¹ *Patric de Que Willelmus*, 175.

² *Domesday Book* i. 379. Compare also i. 106 B, where the market was "refused to trading" on account of the market held near by (Haverham). ³ *Ibid.* *Pat.* i. 215 n.

⁴ These rivalry was of long standing; quarens trade was in 1190 and continued in the sixteenth century: *Ibid.* i. 25 (1190) *Ibid.* i. 215 n. 1190; W. Wingham, *Journal into Newcastle*, 1561, p. 198 (1190). *Selden Piece in the Court Chamber*, 2. 40.

⁵ *Letter Book A*, 129. The Ordinance is dated Feb. 2, 1217. Its words have since been used in connection with the suspension of the Statute, but it was enacted by the parliament meeting Nov. 9, 1217.

⁶ *Statute*, p. 228.

⁷ *Ibid.* *Pat.* i. 303 n. Bristol forbade its citizens to attend markets at Bath, and prohibited its own citizens on the same day.

chancellor throws a vivid light upon the disturbed conditions under which medieval trade was carried on. The monks of Ely set up a market at Lakenheath, and refused to entertain either a writ from the king or the energetic protests made by the abbot of St. Edmunds. The abbot therefore decided to take matters into his own hands. " he sent word to his bailiffs that they should take the men of St. Edmunds with horse and arms, and destroy the market; all whom they found buying or selling they should bring away in bonds. So at dawn of night there went forth almost six hundred men, well armed, making their way to Lakenheath. But when the monks gave intelligence that they were coming, all who were in the market dispersed hither and thither, and not one was found. . . . They overturned the butchers' shambles and the stalls in the market and carried them away, and they also seized their cattle and then set off towards Iddington." The bailiffs of the prior followed, but were compelled to come to terms; shortly afterwards the abbot was summoned to the Court of Exchequer to answer for his deed¹. An inquest was held, and the jurors returned a verdict that the market at Lakenheath competed with that of Bury St. Edmunds, but " being asked what damage the abbot has sustained the knights replied they do not know, nor can it be known, nor does any one know save God alone " ².

We are fortunately not without materials for an attempt to reconstruct a picture of the life of a medieval fair. A thirteenth-century charter³, supplemented by other sources,

Medieval
agriculture
continued

¹ *Chronica Frether.* 99. There was an annual assembly of the market at Abington held by the monastery. But here the abbot's intention was that these markets should be and above them being, conversion to the subordination of the chapters. *Chronica monasterii de Abington*, p. 207-208.

² *John Galt Place (12th. Cen. Fair)*, p. 52. I have ventured to assume that the inquest took place at Lakenheath, but the *John Place* gives Laken. 12th. The fair at Lakenheath created by the abbot of Ely was crushed because it harmed the king's fair at Hereford (*John Place*, 100-1). For other examples, see *John Place*, p. 21 a market set up at Becclesfield to the prejudice of the king's market at Woodstock, etc. "The bishop of Ely set up a fair at Ely during" the last time of the day of St. John, and the abbot of Ramsey complained to the king (*John Place*, p. 210-21). About 1200 years before (1200) the abbot had made a similar protest to parliament. *Chronica monasterii de Ramsey*, 120.

³ *Harley, Charter of Edward, 131*

anxious to depict in some detail the conditions which prevailed while the fair was in progress. At Winchester during the fair of St Giles the municipal authorities were for the time being entirely superseded, and the bishop set up his own justices who had the keys and custody of the city gates, as well as the cognisance of all pleas touching breaches of law, debts, contracts and even lands and houses in the city. A temporary mayor and bailiffs were instituted to administer the affairs of the town, and a coroner and grand jury executed their devoirs "without interference or hindrance from any citizen". The jurisdiction of the bishop covered a circuit of seven 'haganes'¹, and here all buying and selling were strictly forbidden except at the fair. Southampton was also included, although it lay outside the circuit, and made numerous attempts to evade the restriction. In 1234 the burgesses promised that no merchandise brought to the town on account of the fair should be sold in fair-time. An exception was made in favour of victuals, but the citizens were not satisfied and shortly afterwards (1235) carried their suit to a court of law. Though they lost their case fiction continued, and renewed agreements were drawn up in 1250 and 1268. On the latter occasion the inhabitants of Southampton at length secured the right to buy and sell in the town during the fair of St Giles². Not only at Winchester, but elsewhere, the custody of the town was surrendered to the lord of the fair. At Oxford the priory of St. Frideswide³ received into its hands the keys of the gates and the administration of the city, and at Hereford⁴ and Norwich⁵ the bailiffs of the Church were substituted for the governing body while the fair lasted, after which the citizens resumed their authority. At the opening of the fair at York, the bailiffs of the

¹ *Kitchin, Charters of Edward III.* 45. For the term seven *haganes* see *Encyclopaedia Cantabrigia*, *Area*, in 1902 Murray, *Oxford English Dict.* It is uncertain whether it means one mile or two.

² For the privileges claimed by the bishop, see *Patent Rolls* 1232-1233 pp. 102-103, and *Rot. Parl.* 1236-7. For the dispute with Southampton see *Charter Rolls*, 1-445 (1234), *Flou. Illustre* 127-8 (1235), *West MSS. Comm.* 12th May 1235, no. 45 (1236) and 71 (1238).

³ *Flou. Illustre*, 91.

⁴ *Flou. Illustre* 113-4.

⁵ *Charter Rolls* no. 78.

archbishop came upon the city bridge, and there the knights of the city delivered up their arms as the symbol of their authority; during the interregnum the former kept the peace of the city, collected toll and took all other profits, "as the city knights do at other times as well by water as by land".¹

The fair was opened by proclamation. The form of proclamation at Bartholomew fair² began with an injunction that all "having recourse to this fair keep the peace" of the king and protected. "That no manner of person make any congregation, conventicle, or assembly by which the same peace may be broken or disturbed. Also that all manner of sellers of wine, ale, or beer, sell by measures expedient, as by gallon, pottle, quart, and pint. And that no person sell any bread, but it be good and whole, and that it be good and wholesome for man's body. And that no manner of cook, pie-baker, nor baker, sell nor put to sale any manner of victual, but it be good and wholesome for man's body. And that no manner of person buy nor sell, but with true weights and measures, ruled according to the statute in that behalf made.³ And that no manner of person or persons take upon him or them within this fair to make any manner of arrest, attachment, summons, or execution, but it be done by the officers of this city thereto assigned. And that no person or persons whatever, within the limits and bounds of this fair, presume to break the Lord's Day in selling, showing, or offering to sale, or in buying, or offering to buy, any commodities whatsoever, or in sitting, tipping, or drinking in any tavern, inn, ale-house, tipping-house or cook's house, or in doing any other thing that may tend to the breach thereof. And finally, that what personssoever find themselves grieved, injured, or wronged by any manner of person in this fair, that they come with their petitions, before the stewards in this fair, assigned to hear and determine pleas, and they will answer to all parties justice, according to the laws of this land and

¹ *Memor. de Geo. Winton*, 120-121. Doble: *Stowman*, 128.

² *Law & Custom of the City of London* (1780), 227. The contents of the proclamation were sometimes subsequently the cause of sudden confusion.

³ For the date of the market, see J. G. Bask and H. Cherry: *The Law of Markets and Fairs* (1892), 29-30.

the customs of this city"¹. At Southampton² the proclamation ended with the words: "Therefore now at noon begin in God's name and the King's, and God send every man good luck, and that his good contrivance". The fair came to an end at sunset, and it was then the duty of the marshal to ride through the market of the fair and proclaim publicly that every trader forthwith shut his stall, and neither sell nor offer for sale his merchandise³.

The fair stood in the open fields, and booths and stalls were set up in rows to form streets. At Nottingham⁴ the booths were eight feet in length and breadth, and it was sometimes the duty of municipal tenants to furnish the materials and labour required for their construction⁵. Dealers in the same trade were commonly grouped together to favour the convenience of the buyers, to promote competition among the sellers and to facilitate the collection of tolls; at Boston fair⁶ the drapers took their stand on the south side, and the wool dealers on the north. Not only were different quarters assigned to each trade, but also separate streets were set apart for foreign merchants or far-dwellers from the same county or town. At St Giles's fair the Flemings were located in one street, the men of Caen in another, and traders from Cornwall in a third⁷, while the merchants of Leicester⁸, who visited Stamford fair, were bidden to carry their wares "to the shops in which the merchandise of Leicester is usually kept". The regulations of the Oxford market⁹ appointed with the most minute

¹ For the proclamation at Southbridge fair in Wey's reign, see J. Nichols, *Antiquities Topographical Description* (1792), v. 32. Proclamations at York fair: *Index Historicus*, 118. At Manchester fair: *Politeness of Manchester*, iv. 41. At Stamford fair: J. Roome and A. Cressy, *History of Middlesex* (1812), 22 iv. 5.

² J. L. Davies, *History of Southampton* (1871), 121.

³ Kitchen, *Chronicle*, 32.

⁴ *Records of Nottingham*, v. 83.

⁵ At Boston every free villager made the booths for the fair of St. Cuthbert, and at Southbridge the villager furnished all the stalls: *Antiquary's Guide* (Boston Soc.) i. 26. The custom of the lord of St. Day fair provided houses of refuge, *John Case concerning the Law Merchant* (1614, New York), i. p. 22011.

⁶ *Records of Leicester*, i. 74 iv.

⁷ Kitchen, *Chronicle*, 18. *Records of St. Ives* record all stalls were assigned to the respective trades, towns and corporations (*Law Merchant* i. p. 22011).

⁸ *Records of Leicester*, p. 74.

⁹ G. Ogle, "The Oxford Market," in *Colchester* (Oxford Hist. Soc.) vol. vi. 15-16.

detail the different stations for dealers in straw, hay and grain, wood, cattle, earthenware, etc., bread, gloves and leather, dairy-produce, fish and corn; the members of the gild had permanent shops assigned to them in each street, and so we find Apothecaries' Row, Butchers' Row, and Gild-market. The localization of trade has left its record in urban nomenclature, and is perpetuated in the names of streets to this day: in London Broad Street, Milk Street, Fish Street and Honey Lane are situated where originally stood rows of stalls in the market-place. Tenth-century documents show that this trait of medieval life was an old one, for Fishmonger Street, Skindwright Street, Cheap Street and Tanner Street are mentioned among the streets of Winchester, and they also appear in the *Winton Domesday*¹. A twelfth-century description of London² sets forth how "men of all trades, sellers of all sorts of wares, labourers in every work, are every morning all set apart by themselves in their distinct and several places". In his *Survey of London* Stow has left us a valuable account of the different quarters of the city, each associated with some famous industry or trade, the weavers and haberdashers with their shops on London Bridge, the goldsmiths in West Cheap, the drapers in Candlewick Street, the bookbinders in East Cheap, and the rest also grouped together in their own locality³. York is claimed as an exception⁴, and apparently here the crafts were not separated. Yet even at York we find Gildergate, Sparringgate and Turner Row⁵. Apparently at Coventry also trade was not localized to any great extent⁶. At each step we are reminded that mediæval town-life was nowhere uniform, and that large generalizations need to be qualified at every turn.

¹ J. Kemble *Collectio Diplomatica Angliæ*, ii. 221 (St. 4741), vi. 121 (St. 1121). For the *Winton Domesday* see *Domesday Book*, ii.

² *Memoria for the History of Thomas Becket* (Roll Series B. 101).

³ Stow, ed. C. L. Kingshead (1907), i. 11. The first part of Stow relates a curious localisation of trades: *Proceedings of the English Institute of Archaeology*, vol. viii p. 128. Although London has the merchants appear to have been classed according to their republic in status, "the few", "the middle class", and "the smaller", "each one according to his condition". *Records of London*, i. 49.

⁴ York *Wapentake Book*, i. p. 22.

⁵ *English Arch. Society*, vi. 102.

⁶ *Coventry Lat. Book*, iii. p. 181.

interest of
a central
authority.

10
bishops

10-17th.

One reason for the association of tithes and local groups was doubtless to facilitate the collection of tithes, on this account also the townsmen were required to shut up their shops and do their traffic at the fair¹. At Hereford² a dispute arose as to whether burgesses could sell wares in their own houses, provided they paid tithes to avoid loss of revenue to the bishop. The latter asserted the claim on the ground that they would be able to control the tithes due to him, and also could 'colour' the goods of merchant strangers. Market revenues were drawn from a threefold source: rents of booths and stalls, tolls on wares bought and sold, and profits of the court held to transact legal business. At Nottingham³ cloth merchants, apothecaries, picklers and merrins paid for each booth twelvepence, and other traders eightpence, "excepting those selling iron". On the other hand, every burgess of Cambridge⁴ was allowed a booth in the fair of Stowbridge without stallage, nor was it paid by the men of Northampton⁵ when they sold merchandise in their own markets. At Abingdon the universal claim was advanced that all merchants, townsmen and strangers alike, should be quit of this tax⁶. In the main, however, controversy raged over the exactness of tolls, and here every locality differed from its neighbour, though the burden of complaint is common to all. Exclusive tolls were forbidden by law, and rendered the market or fair liable to be turned into the king's hands⁷, but legal records and inquiries afford eloquent testimony to the regularity with which the prohibition was disregarded. At Basingstoke the lord of the manor claimed as market toll a penny from buyer and seller for every horse sold, and the like for an ox, a cow, four sheep, or a horse-load; in fair-time he took double toll. These tolls were pronounced as a court of law to be "superfluous, unjust, and to the oppression of the common people and

¹ *Notulae, Glouc.* 100; J. J. Jussey, *English Wandering Life in the Middle Ages* (1889), 148.

² *Pat. Rolls* 111 a.

³ *Records of Nottingham* 1, 61.

⁴ *Campan. Records of Cambridge*, 2, 149.

⁵ *Records of Northampton*, 2, 180.

⁶ *Patent Rolls*, 1278-1279, p. 283. Also Wycombe had a like "for the annoyance of people to come from without any manner of tollage". *J. Parker, Wycombe* (1846), 25.

⁷ *Statute*, 2, 34.

against the common law " ; and he was bound in moderate shame. He agreed to take from henceforth, for a horse one penny from the buyer only, and the like for a cow or for eight sheep, and one halfpenny for every horse-load ; nor were these tolls to be exacted at fair-time¹. The men of Lincoln complained that excessive toll was taken from them at Carleke " to their damage in ten marks yearly, and yet the king's farm for Lincoln is paid in full, whereas they who have once been holders of Lincoln can hardly see from poverty and wantery "². Another category of complaints was concerned with the imposition of tolls on commodities that claimed to go toll-free, more especially ordinary provisions. This grievance was an old one, for as early as 1086 the Domesday jurors in the North Riding of Lincolnshire³ presented that tolls were exacted other than those taken at Edward the Confessor's day, namely on bread, fish, hides and many other things. In the Hundred Rolls the complaint is reiterated again and again : at Howorth, for example, does were charged on seed-corn and " other small wares of which toll is never wont to be given "⁴. Occasionally we get glimpses of a distinction in the significance of which attention will be drawn later⁵, a distinction between merchants who bought to sell again, and " men of the country " who bought for their household store, the latter claimed to be free from toll altogether⁶. Immunity from toll was sometimes granted by express agreement between the contracting parties⁷, and sometimes it was asserted by virtue of a particular tenure or charter from the Crown⁸. Herms lay a fruitful source of discussion. The men of Lincoln, for example, claimed to be free at the fair of St. Botolph " from all kind of all customs and demands ", and when the lord of the fair " attacked and oppressed them from day to day to obtain money by his power ", and in particular charged ten pounds as damage

¹ *Placita de Quo Warranto*, 149. *Medieval Geography*, *ibid.* 146.

² *Rot. Hund.* i. 317 d.

³ *Domesday Book*, ii. 573 b.

⁴ *Rot. Hund.* i. 420 b, 421 b.

⁵ *Ibid.* p. 155.

⁶ *Ep. Rot. Hund.* i. 10 b.

⁷ Agreement between the prior of Easing and Nottingham in 1240 (*Records of Nottingham* : 40-42).

⁸ Immunity was claimed by (a) tenants of Ancient Demesne, (b) Corpus Christi, (c) monasteries and religious houses with charters - *ibid.* p. 150-151.

for weighing wool, they withdrew from the fair.¹ At Bury St. Edmunds, on the other hand, a compromise was effected by which the citizens of London paid toll but at once received it back; this preserved the privileges of both parties, though the substantial victory lay with the London merchants who had stayed away for two years to the abbot's great loss.² The citizens of London were also for a time at variance with the abbot of Waltham who charged them with stallage, on which account they withdrew from the fair for more than three years. Eventually the abbot agreed to restore all the distresses that he had taken from them, and to levy no more stallage for the future.³ Indeed it was always open to traders to escape unfair exactions by absenting themselves from the fair, or by resorting to evasion. The burgesses of Scarborough⁴ complained that fishing merchants and sailors sold their cargoes at sea, and at Dunwich⁵ the market was held in the harbours on board the vessels. Henry I. had made an attempt to protect Norwegians from this practice by enacting that "whatever merchandise a ship may bring by sea must be brought to the land, except salt and herrings".⁶

In one direction the interests of the lord and trader coincided: it was to the advantage of both that commodities should be plentiful, and by their sale bring revenue to the former and profit to the latter. Here, however, an important difference arose between the fair and the market. In principle they were alike, for each was a periodical gathering, distinct from permanent centres of trade on the one hand and from occasional and irregular marts on the other, but in their degree of importance they differed widely. The market supplied the wants of the locality and was attended only by the inhabitants of the neighbourhood; its commodities were country produce and

Fair and
market
compared

¹ *Ibid.* *ibid.* 1, 320 a. *Thompson, Boston*, 327. For Lincoln and the affairs of Peterborough cf. *Ibid.* *ibid.* 1, 321 b.

² *Gloucester Journal*, 32. For a dispute between Thameworth and Wake bairns cf. *Public Notice*, 1792-1793, p. 49. The men of the abbot of Avington complained of toll taken at Wotton; *Proc. Abbot*, 120.

³ *De Justicia Anglie*, *Lib. vi*.

⁴ *Ibid.* *Proc.* 2, 271 a.

⁵ *Ibid.* *ib.* 174 a. *ibid.* deplored the burgesses of Dover jail.

⁶ *Rollart, Borough Charters*, 121.

the basis of everyday life. The fair was often of national, and sometimes of international, import, and its walls exposed for sale everything that was rare and costly. A statute of Henry VII.¹ relates that "There be many fairs for the common weal of your people" who resort to them "to buy and paryvey many things that be good and profitable, as ornaments of Holy Church, chaires, books, vestments, . . . and also for household, as vestments for the tyme of Lent and other stuff as linnen cloth, woollen cloth, beane, pepper, building, command, iron, flax, and wax, and many other necessary things, the which might not be forborne". Foreign wares could only be purchased at fair-base, and traders flocked to these fairs from all parts of Europe; merchants from Venice and Genoa with costly silks from the East and wiles and velvets and "things of complacence", the Flemish weaver with linen cloth, the Spaniard with iron, the Norwegian with fur, the Gascon with wine, and the Teuton with furs and amber.² At the fairs also was gathered native produce—wool, the source of England's wealth in the Middle Ages, tin from Cornwall, salt from the Worcestershire springs, lead from the Derbyshire mines, iron from the Sussex forges,³ and cloth which the peasants were wont to purchase "at home and abroad about Michaelmas for the fairs ensuing"⁴. Here the husband purchased his farm implements and store of salt and sheep-medicines and fish for Lent⁵, the noble his armour and steel and talismans⁶, the lady her robes and dresses⁷. Of the eager, active life of the fair we may learn something from the vivid glimpses we get of the London markets in the well-known ballad, "London Lylkenay"⁸:

¹ Statute, II. 238.

² Thorold Rogers, *Expansion and Power*, I. 125.

³ *Ibid.*

⁴ *Letter Book P*, 109.

⁵ The husband was apt to keep the produce of the fair to augment his estate, and peasants even were obliged to be made of them in the fulfilment of "always bearing home and harvest". The Great Bazaar, 109.

⁶ Tailors were brought for the king's use to the fairs of Lynn, Yarmouth, Dunwich and Ipswich in 1522 (*Patent Rolls*, 1522-1523, p. 112). Similarly *ibid.*, 1527-1528, p. 34.

⁷ Walker of Rother, *Woolenry*, 125. A considerable list of commodities sold at fairs is enumerated in "Briue Franchises" (1564) in *English Historical Documents* ed. W. C. MacGibbon (1899).

⁸ *Minor Poems of Lydgate* ed. J. G. Halliwell (1868), 109. Lydgate's authorship is accepted by H. N. MacGibbon, *Minor Poems of Lydgate* (1914), p. 100.

"Then to the Chape I began me drewe,
 Where much people I saw for to stande.
 One asked me what, whyte and lowre,
 An other he toldeth me by the hande,
 'Here is Parys thred, the fynest in the land;
 I never was used to such thyngs in dede,
 And wastyng money I myght not spede.
 Then went I forth by London stene,
 Throughtout all Carowle streets;
 Drapers much cloth me offred wene . . .
 Then I byed me into Est-Chape,
 One cryde rybbon of bafe, and many a pyn;
 Pearle pottes they clattered on a heape;
 There was karys, tyls, and aperteyls . . .
 The trower took men by the sleeve,
 'Sir', sayth he, 'wyll you our wyne away?'¹

*Importance
 of the fair*

The importance of the fair is indicated not only in the attendance of foreign traders², but by the fact that the ordinary activities of municipal life were commonly suspended while the more important fairs were being held. At London the court of Husting suspended its sittings during the fairs of Bartholomew, St. Giles³ and St. Botolph⁴, and at Leicester the members of the merchant gild were excused from attendance on the same ground⁵. But the significance of the fair lies deeper. It was a cosmopolitan gathering, and association with men from distant parts must have enormously broadened the horizons and widened the outlook of those who frequented it. As the common hearth of the nation it must have fostered national progress, and stimulated a keen and active interest in the world that lay beyond.

The profits of jurisdiction constituted the third source

¹ Thus at St. Ives fair (1490-1510) there were present merchants from Cologne, Bruges, Lyons, Ghent, Rouen, Bruges, St. Omer, Caen, Dunst. Leven, and Malines. *Leve Merchant*, i. p. 26. pp. 70.

² *Willy, Silver Mines*, i. 325.

³ *Willy, Merchant of London*, 109.

⁴ *Records of Leicester*, i. 22. At Cambridge the day of municipal business was changed so as not to clash with Stowbridge fair. *Cooper, Details of Cambridge*, i. 215. Similarly the parliament of 1495 did not sit during the famous fair of St. Eves. *Willy, Bartholomew Fair*, 25.

of the lord's revenue, for a judicial tribunal, held to transact legal business and to settle disputes among traders, was an integral element in the organization of every fair and market. This was the piepowder court, or court of the dusty foot, so called from the attendance of wayfaring merchants who went from mart to mart and could not await the sitting of the regular courts¹. On the continent² the conception of a market was usually accompanied by the right to hold a court, and in England it is common to find judicial privileges expressly granted in the charter. William the Conqueror gave to the monks of Battle a market with the words, "Those who seek to the market use to answer to no one but the abbot and monks; the abbot and monks to no one but God"³. This, if not a subsequent interpolation, would imply the authority to set up a local tribunal. The charter of St. Ives contained a significant phrase: "with me and me and infangthel, just as any fair has in England", an indication perhaps that the court had already become the recognized appurtenance of a fair⁴. Apparently there grew up the conception of a customary due-right embodying definite usages, for in the Staffordshire Hundred Roll⁵ the jurors presented that a lord had a fair and market "and whatever appertains to the fair or market". The right to hold a court, if only conjecturable in the case of some earlier grants⁶, is expressly included in later ones⁷, and in the fifteenth century was legally recognized by statute⁸. "To every fair is of right pertaining a court of piepowder to minister in the same due justice in this behalf; in which court it hath been all times accustomed that every person coming to the fairs should have local remedy". Hence, as

and *franchise*
of *jurisdiction*.

¹ C. Dene, "The Court of Piepowder", in *Quarterly Journal of Economics*, xii, 130; partly reprinted in *Law Merchant*, vol. i.

² Haver, *Revue Historique*, p. 16.

³ Domesday Book, i, 106. A charter of Edgar confirmed "me and me" (*Anglo-Saxon Chronicle*, s. 105).

⁴ Cart. Monach. de Bataunia, s. 146. *Complete Quarterly Journal of Economics*, xii, 134.

⁵ *The Roll of the Hundred of Stafford*, v, parts 108.

⁶ It is obviously inconsistent to classify a charter of 1210: "the market appertaining by the gift of Westminster to the fair" "shall have full power" in comparison with Charter Roll, s. 132.

⁷ Patent Roll, 1473-1475, p. 410.

⁸ Statute, s. 170.

Coke explains, the franchise of a market or fair carried with it "without any grant" the right to hold a court.¹

The
Peppercorn
Court.

The holding of a peppercorn court was not the prerogative of the fair alone. They were also set up in boroughs to provide expeditious justice "for merchants and strangers passing through" in matters affecting "covenants, contracts, mortgages and debts".² The promise of speedy justice was one of the concessions extended to aliens in the *Carta Mercatorum* (1300).³ Cambridge held a court "between merchants and merchants concerning their merchandise" from day to day and from hour to hour, according to the exigencies of the complaint.⁴ London also took measures to facilitate speedy judgment in order that foreign merchants might not be delayed by a long series of pleadings.⁵ The laws of the Scottish boroughs contain the familiar argument that if a plea arose between a burgher and a merchant, it should be determined before the third tide⁶; and the laws of Gloucs allowed a suit to be deferred for seven days, except in the case of one "passing on his way, to whom justice ought to be done forthwith".⁷ It has been said that where the peppercorn court sat as a special session of the borough moot, pleas between burghers were excluded from its jurisdiction⁸; but it appears questionable whether in actual practice a hard and fast line was drawn. At Bristol burghers could plead against each other in the same way as strangers did, "from day to day, without writ, according to the custom of the town".⁹ We may conjecture, however, that the court of the fair was generally held at more frequent intervals. At Ipswich the pleas of strangers were heard in full-time from hour to hour; at other times from day to day.¹⁰

¹ Coke, *Second Part of the Institutes*, 220.

² M. Salmon, *Borough Customs* (1902), p. 116.

³ *Ibid.*, p. 120.

⁴ *Cambridge Borough Customs*, 49.

⁵ *Statute*, *Libet Alieu*, c. 109.

⁶ *Borough Customs*, 4, 119. *Statute Mercatorum* (Ballard, *Borough Customs*, 13) and *Provisions* (*Stat. Alieu*, 120-1).

⁷ *Black Book of the Admiralty* (1826 Series), ii. 225.

⁸ *Cyren in Quarterly Journal of Economics*, 10, 120.

⁹ *Borough Customs*, 2, 111.

¹⁰ *Black Book of Admiralty*, ii. 225. *The London, et. N., et. G. Rye, Fishward's Charter of London* (1784), 23.

The president of the court was the mayor or bailiff of the borough, or the steward where the franchise was not under municipal control. With the president, who presided, the judgment of the court, was assisted a varying number of assessors, who helped to administer justice, and in cases affecting alien merchants half of them were chosen from aliens present at the fair.¹ These assessors were themselves merchants, and in accordance with medieval procedure they were the visitors who gave the verdict, and—whenever difficulties arose—declared the law.² There was commonly, though not invariably,³ an appeal from their judgment to the superior courts. The competence of the court covered a great variety of pleas arising from debts, contracts, trespasses, breaches of the assize of bread and ale⁴; sometimes it also extended to pleas of land⁵, but pleas of the Crown⁶ were excepted. Besides commercial litigation, it dealt with the collection of tolls and the maintenance of peace and order. Offences were punished for assault⁷, for opprobrious epithets, and for undue encroachment for example, "annoying the beast market with carts"⁸. The elements of luxury and simplicity were markedly present, one man confessing that he had sold a ring of brass saying that it was of purest gold and that he and a one-eyed man found it in the church near the cross⁹. The authority of the court was supported by a constabulary force which also did watch service, and each township sent

As a presiding and judicial.

¹ *Quarterly Journal of Economics*, vii, 242. This is the last done in the Court Municipal (1474), p. 427.

² Compare *Notes: Pleas in Municipal Courts*, i, 122. "Let all the members of the court administer their oath in the fair at St Dunstons tomorrow before the sheriff to adjudge in certain cases."

³ *J. of Econ. & Statistics* vol. 5, 2, 262 (1889), 263.

⁴ *Notes*, p. 427. For the court rolls of St. Ives see *Law Merchant*, vol. 1, and *Notes: Pleas in Municipal Courts*, i, 122-23. For a final record of *St Dunstons Fairs* in 1390, see *Med. Ass. Cases*, 268 Bp. 229-30.

⁵ A question on the "Law Merchant," in *The Little Book of the Lord of Blyth*, ed. F. W. Halsey (1901), i, 22, states that it applied only to alienation, see *notes: Little Book*, 22.

⁶ *J. of Econ. & Statistics*, 1910-1911, p. 18.

⁷ *J. of Econ. & Statistics*, vol. 1, 2, 263. Other examples, *Law Merchant*, i, 12, 23; *Notes: Pleas in Municipal Courts*, i, 126.

⁸ *Notes of Customs*, no. 123.

⁹ *Notes: Pleas in Municipal Courts*, i, 122. For judgments, cf. *Notes: Customs & Laws* (1884), 121.

its contribution as part of its material obligations¹. At Charter a knight's fee was held on condition of finding a horseman to do guard at the fair². In ordinary times the peace of the fair was doubtless sufficiently well maintained, but there is abundant evidence to show how stubbornly men insist in a rude age to respect the person of the trader and the peace of commercial life. The Statute of Northampton (1215) forbade men to ride armed in fairs and markets³; how effective the act proved may be gauged from a petition in Chancery in the reign of Richard II. which tells how the market at Malton was invaded by an armed band, "arrayed with habergeons and gilets, bows and arrows, swords and daggers"⁴. Complaint was also made in parliament of malefactors who disturbed the peace of the different fairs and molested the travellers who resorted to them⁵. In 1298 the chronicle records that the sheriffs and aldermen of London attended Bartholomew fair with three hundred men to give protection to the traders and country folk: "For the world was so straits that time, that no man might well ride nor go on no coast of this land without a strength of fellowship, but that he was robbed"⁶. Nor was the medieval trader always aware from giving or receiving hard blows. Strife was easily stirred up between rival communities, and in 1260 a serious affray broke out at the fair of Northampton between the inhabitants of the town and the citizens of London⁷.

It is important to observe that the competence of the

¹ *Eng. Chronicle*, i. 11, 15, 27, 30.

² *Cal. Documents pour servir*, iv. 299.

³ *Statute*, i. 121. For a complaint of its transgressions, see *Forest Rolls*, 1222-1224, p. 127.

⁴ *John Case in Chancery*, 1, 30. Richard's day was retained by London in 1215. D. Thompson, *Annals of Commerce* (1892), i. 445. For Livingston, see *Forest Rolls*, 1214-1215, p. 264.

⁵ *Stat. Just.* iv. 202 (p. 100, 117).

⁶ "Robert Nole's Chronicle", in *See Times Chronicle of R. Foote*, 1897, 152. As for famous pillaging of the English chronicle: Pontreux boasts that "there were more men hanged in England, in a year for robbery and manslaughter than there be hanged in France for such matters of crime in their year". There is no man hanged in Scotland in seven years together for robbery. . . . But the Englishmen is of another courage" (Pontreux, *The Commerce of England* (ed. 1612), 121).

⁷ *See English Legation Letters*, 47.

court was not limited to the incidents which occurred within the fair itself, and the statement¹ that debtors were protected at fairs-times from distress cannot be accepted. The language of the charter is certainly explicit, and would induce us to suppose that debtors enjoyed immunity from arrest as a matter of course. In reality, however, not only were debtors responsible at a fair for debts contracted elsewhere at other times and other places, but their liabilities were shared by the members of their community. At the fair of St. Ives in 1304 a plea was moved for the recovery of a debt incurred in 1301 at Cambridge². In 1275 a burglar of Lynn exported to Flanders a quantity of wool which was seized by the authorities, and five years later he sought redress from some Flemish merchants trading at the fair³. At another time the traders of Leicester were distrained for a debt contracted by one of their number at Leicester three years before; their defense was not, as might be expected, to call in question the legality of their attachment, but a denial that the debtor belonged to their community⁴. Again, at St. Botolph's fair an attempt was made to arrest burgesses of Norwich for debts incurred by their fellow-townsmen⁵. The practice of hearing pleas on matters outside the immediate province of the court easily lent itself to abuse, and tended to become oppressive. In the Good Parliament of 1258 the Commons complained that the bailiffs of fairs and markets attached men, women and children alike, in their courts for debts, trespasses and covenants done outside their jurisdiction and for things not relating to trade, in order to get the profits of the pleas⁶. A century later a similar indictment was framed in the well-known statute of Edward IV. (1468), by which no steward was to hold plea on any action unless the plaintiff took oath that the contract was made "in the time and jurisdiction of

*Exemption
from
distress.*

¹ *Statute of Borough Customs* s. 7, 2001. "There were towns where those who owed debts in the borough could be attached under special protection from distress, — in fact, the fair times — and these were always a deep source for distress-taking."²

² *Law Merchant* i. 107.

³ *Ibid.* i. 9.

⁴ *Rolls Pleas in Municipal Courts*, i. 122; cf. also *ibid.* 124, 125, etc. The verdict went against them.

⁵ *R. Howland's Register* [1267], no. 52.

⁶ *Stat. Just.* ii. 320 a.

the fair"¹. At the same time the proviso was inserted in charters that the steward appointed to hold the court should be "learned in the law of the land"². But it is improbable that the law of 1295 succeeded in extinguishing a practice so deeply rooted for centuries. A hundred years later it was still necessary in many towns to repeat the injunction that no one should be arrested or troubled in his time, unless for bargains contracted within the precincts of the fair³.

While the jurisdiction of the court was extended in one direction, it was curtailed in another. Town charters, as we have seen, exempted burgesses from pleading without the borough walls, but their immunity did not extend to jurisdiction *ex tunc*⁴. On the other hand, some towns obtained the right to appoint their own burgesses as judges. The citizens of London in virtue of Henry III's charter (1255) claimed to have their own wardens at every fair in England⁵—five at Boston, six or seven at Winchester⁶—to determine all pleas in which they were concerned, and they refused to answer to a writ in any court other than their own⁷. This claim brought them into conflict with the University of Cambridge (1264), when they objected to bring their wrights before the chancellor at *Stonbridge fair* to be examined by his authority⁸. Two or three *Decorated* boroughs, *Melcombe Regis*, *Lyne Regis* and *Nova Villa*⁹, acquired the same privilege, and their charters contained a clause that disputes *ex tunc* affecting their burgesses were to be settled by their fellow-townsmen. Further, many of the London companies, the *Embroiderers*, the *Horners*, the *Leathermen*, the *Porters*, the *Skinner*¹⁰, exercised the right of search for false wares

¹ *Ibid.*, II, 261. The act was made perpetual in Hen. III. c. 11.

² *Patent Rolls*, 1294-1295, p. 228.

³ G. *Melcombe Regis Regis* (1264), in (1271); *Borough Charters* I, 128 (Lancaster, 1261); *Thorpington* (1261); *Willes* (1261).

⁴ For a dispute over this point, see *the Guilds of London*, 1261.

⁵ *Patent Rolls*, 1255, 1256, 1257, 1258.

⁶ *Patent Rolls*, 1255, 1256, 1257, 1258.

⁷ *Patent Rolls*, 1255, 1256, 1257, 1258.

⁸ *Patent Rolls*, 1264, 1265, 1266, 1267.

⁹ *Patent Rolls*, 1264, 1265, 1266, 1267.

¹⁰ G. *Embroiderers* (1264), in (1271); *Horners* (1264), in (1271); *Leathermen* (1264), in (1271); *Porters* (1264), in (1271); *Skinner* (1264), in (1271).

throughout all the fairs of England, while the Convellers of York were empowered to make search in the fairs and markets north of Trent¹. The Newcastle Taylors attended the great "Cloth Fair" of Bartholomew with their standard, the "silver yard" measure, until its abolition in 1534². As a result disputes naturally arose between the warden of the company and the lord of the fair as to the disposal of confiscated goods. In the case of the Leather-sellers liverymen were divided between the warden and the owner of the franchise, the former receiving half "for their diligent labour"³; but the London Furriers became entangled with the University of Cambridge on account of their claims to a share in the profits of jurisdiction⁴. Thus the lord of the fair was not completely master within his own house, and sometimes the whole basis of his authority was called in question. At Cambridge there were conflicts between the University and the town over the control of Stourbridge fair. The University had supervision of weights and measures, but the town alleged that it usurped jurisdiction "to the utter decay of the town and the fair"⁵; the petty council intervened and attempted a compromise, but the dispute went on⁶. At Oxford the University complained to Edward I. of the scarcity and unreasonable price of provisions, a matter of considerable moment to it, and in 1295 as a result of the massacre of St. Scholastica's Day, the control was taken out of the hands of the town⁷. The University also claimed the right of warden at the fair of St. Radegunde, but without success, and the prior accused it of using violent means to prevent the fair being held⁸. The control of Yorkmouth fair was contested for centuries

[On page 217, 218. (a) Furriers: C. Welch, *History of the Furriers' Company* (1916), p. 43. (b) Bismarck: *Notes, Memorials*, 134.

¹ *Ibid.* 11, 101.

² W. Balfour, *Newcastle Cloth Fair Company* (1834), p. 47; C. H. Oxley, *Memorials of the Newcastle Taylors* (1872), 2, 102.

³ *Ibid.* *Leathersellers' Company*, 101.

⁴ *Statuta Universitatis Cantuariensis*, 4, App. XLXIII-XLXV.

⁵ *Corpus, Annals of Cambridge*, 1, 108, 109. The council intervened in 1292, but subsequent details see *ibid.* 121-123, 125-126, 129. Compare also *Statuta* 49, 50 = App. X.

⁶ *Opus Opul. Martis* 47, 57, 58. For Edward's letters during process, see *ibid.* App. B, 120. The fair had been given to the university by Henry I. For the *Early History of England*, 174.

⁷ *Ibid.* *Proc.* 16, 174 B.

by the bailiffs of the town and the barons of the Cinque Ports; the latter¹ had played the chief part in establishing the fishing fishery at Yarmouth, and apparently at first enjoyed the sole management of it. In the award of 1277 five sergeants of the Cinque Ports went to assist the bailiffs of the port in doing justice "according to law merchant"²; before the end of Edward's reign there was renewed friction³, which continued at intervals to the reign of Elizabeth⁴.

*Law
Merchant*

The law by which the commercial life of the medieval trader was governed was not the common law of the land but the law merchant, aptly termed by Maitland "the private-international law of the Middle Ages"⁵, and identified by a fifteenth-century chancellor with the law of nature⁶. This was a special body of legal maxims and doctrines binding on merchants throughout Europe in their mercantile relations. While at the outset a uniform system of law was only gradually developed out of the conflicting practices of the different localities⁷, there ultimately grew up a definite body of law distinct from common law and of international bearing. It had several well-defined features, and foremost among these the authority of a treatise on the *Lex Mercatoria* placed the summary nature of its procedure⁸. Again it was unwritten, customary law, created by the merchant "out of his own needs and his own views"⁹, though to some extent it may have come under the influence of statute law¹⁰. In certain respects it openly diverged from the common law of the land and in some degree anticipated modern commercial practices. Especially characteristic was the payment of a God's penny to bind a purchase; once the parties to a contract had paid "earnest" or assurance money, neither could

¹ H. Swinden, *Antiquaries of Great Yarmouth* (1890), 120.

² *Patent Rolls*, 1273-1276, p. 202; *Ibid.*, 1281-1287, p. 226. See also S. Jaine, *Chronicle of the Cinque Ports* (1908), 22, 23.

³ *Reg. Rot. Parl.* 1, 1274-6. The interests of Yarmouth (Swinden, p. 211) remarked: "In consequence of the petition . . . made by a fish industry calling for redress and reorganisation."

⁴ *Selden Piece on Ancient Customs*, 1, 150.

⁵ *Law Quarterly Review*, LVII, 195.

⁶ W. Maitland, *The Law Merchant* (1891), 2, 4.

⁷ *Little Red Book of Speed*, 1, 58.

⁸ Cf. St. Ger. *loc. cit.*: "The merchants of the law . . . to whom judgments belong according to the law merchant." (*Law Merchant*), 1, 90.

⁹ On the law of debt, *loc. cit.*, p. 287.

withdraw from it. The principle appears to be that of the *putata*, or symbol of possession, which the seller of land handed to the purchaser on token of the change of ownership. The *Costa Mercatoria* (1295) laid down that every bargain should be firm and stable, "after that the earnest penny (*placatus Dei*) be once given and taken"¹. According to *Bracton*, "if the purchaser repents of his purchase and wishes to recede from his contract, let him lose what he has given; but if the vendor repents, let him restore double of what he has received as earnest money"². In the custom of *Freton* it is added that if the buyer has already loaded the goods, and the seller is unwilling to complete the transaction, the latter must forfeit a sum of five shillings³. At *Dublin* any one who gave the earnest penny, and then repented of his bargain, paid a penalty of ten shillings⁴. Another remarkable institution was that of promissory notes, an institution⁵ of extreme importance in the development of trade and finance. The procedure of mercantile law was still often formal and masked by the retention of antiquated survivals. Thus in 1261 the party to a suit at the bar of St. Ives lost his case, because one of the jurymen in taking the oath made a slip in the name, saying Robert for Henry⁶. None the less, in certain domains there was a departure from established usage. Notably was this the case in the production of proof by tally⁷, or by evidence based on the examination of witnesses in the open court⁸; while professional pleadings were afforded scope for their artifice⁹. For these various reasons the pleader court, and the law which it administered, merit the most considerable attention. Throughout the Middle Ages and beyond, England was covered with a network of courts, which in number and energy were scarcely inferior to the rural courts of the townships¹⁰. At the same time they were

¹ *Medley's Foreign Ed.* 1295, i. 322.

² *Bracton*, l. 22.

³ *Notius and Klamm, Freton Guild*, 25 (thirteenth century).

⁴ *Gibert, Historical and Municipal Documents of Ireland*, 121.

⁵ *John Place on Mercantile Courts*, s. 153.

⁶ *Law Merchant* i. 25.

⁷ For proof by tally, see *Bracton Customs*, l. 22000.

⁸ *Quarterly Journal of Economics*, lxx. 146.

⁹ *John Place on Mercantile Courts* i. 122-128.

¹⁰ *Quarterly Journal of Economics*, lxx. 149.

have contributed enormously to the consolidation of a body of mercantile law, which in its turn has been an important source of modern jurisprudence.

It remains to give some account of the most important of English fairs, with whose organisation and development we have been concerned. The fair of St. Ives was founded in 1120 by Henry I¹, though the seal of Matthew Paris led him to ascribe it to King Edgar². It rapidly developed into an important centre for skins, wool and cloth³, and its situation on the Orme attracted large numbers of native and foreign merchants. A few years earlier the famous fair of St. Giles at Winchester, of which William Langland makes mention as *Fier Fleumen*, came into existence⁴, and acquired importance as a centre of traffic between France and the south of England. The chief articles of merchandise here were cloth, woollen goods and all manner of foreign produce, and after the invention of printing there was a large sale of books; the stall of St. Swithun's Convent was especially famed for its wares and spices⁵. Two other celebrated fairs were those of Stratford and Bartholomew, which even in the seventeenth century could be described in a proclamation as "fairs of special note"⁶. Bartholomew fair originated in a grant (1123) made by Henry I to a monk Roper, by whom the priory was founded⁷. The monk chose his site with care, obtaining from the king a piece of ground in Smithfield, already associated with its famous market. The control of the fair was shared between the prior and the corporation; the latter assigned scrutiny of weights and measures and of goods exposed for sale, while tolls and forfeitures were equally divided⁸. The fair became the chief cloth fair of England, and to it, says Stowe, repaired "the clothiers of all England and drapers of

¹ *Cart. Monast. de Bannock*, i. 129.

² *M. Paris, Chronica Majora*, v. 499.

³ See recent note of St. Ives in *Low's Dictionary*, vol. 1, *London*.

⁴ It was founded by William Rufus (pope). *Paris, Scripta Regum*, i. of the Langland of C. Morris, 107-30.

⁵ *Inventory, English Wapentake*, 159, 160; *Records, Winchester*, 105.

⁶ *Customs, Trade and other Proclamations*, i. 126.

⁷ *Monks, Bartholomew Fair*, 10.

⁸ *Later Middle Ages*, vol. 1, ch. 112. The early disputes were the first result of *Cart. Prior Julia*, i. 323.

London.¹ The greatest of all English fairs was Stourbridge, the centre of the Great Anglian commerce, and as late as 1710 Deane spoke of it as "not only the greatest in the whole nation, but in the world"; nor, if I may believe those who have seen them all, is the fair at Leipzig in Saxony, the most at Frankfurt-on-the-Main, or the fairs at Nuremberg, or Augsburg, any way to compare to that fair at Stourbridge.² Though credited with a Roman origin³, it was founded by John, who granted it to the lepers of the Hospital of St. Mary Magdalene. Costly works of embroidery, silks, silk and cloths of gold &c. were among the commodities which made the fair renowned, and here also the Oxford College bought their stock of salted herrings for Lent.⁴ An important fair, exceptional in the fact that it was not owned by the Church, was St. Botolph, which seems to have been founded in 1100.⁵ Henry III. gave it (1212) to Peter de Savoy, the uncle of Queen Eleanor, whose relations with the citizens of Lancia were marked by considerable friction. The fair attracted visitors from a great distance, and here the citizens of Brethlington had in a stock of wine, groceries and cloth for their concealment.⁶ Three other fairs may be mentioned: Westminster, Northampton and Bristol. The fair at Westminster was established by Henry III., who bade the citizens of London to attend it, and would allow no other fair to be held or shop to be open in London at the same time.⁷ Northampton fair was one of the four fairs in the year, when the king made his purchases from merchants and met his obligations to them, the other three being St. Ives, St. Botolph and St. Giles.⁸ The fair at Bristol, known as St. James's fair, appears in the sixteenth century as

¹ *Ibid.* ii. 27.

² D. Deane: *Fair through the Eastern Counties of England*, 1710, ed. H. Bailey (1888), 264. Deane has left a vivid account of Stourbridge fair in the eighteenth century, quoted in *Notes*, 268. *Travels in Europe*, v. 6, 224.

³ *Coopers' Account of Cambridge*, v. 20, 34.

⁴ *Ibid.* i. 172.

⁵ *Thomas Rogers, Dynasties and Feuds*, 201.

⁶ *James Hall*, 1515-1524, p. 127.

⁷ *Thompson, History*, 26, 27. It continued to the king in 1215 (*Ibid.* 126). By the provisions of *Liberty*, 20, 225.

⁸ St. Paul: *Chronicle of the City*, v. 20, 225. The fair lasted 32 days, and the same customs were observed as at St. Giles's fair: *James Hall*, 1515-1524, p. 226. *Ibid.* 1515-1524, p. 226.

have ranked with Stourbridge and Bartholomew.¹ Besides these already enumerated there were many smaller fairs, some of which were held for a particular object, the fair at Lough, for example, for the sale of cloth, and that of Weyhill for cheese.² The herring fairs, Yarmouth and many others on the sea-coast, acquired special prominence in the Middle Ages on account of the observance of Lent; yet an act³ of Henry VIII. enumerates Stourbridge, St. Ives and Ely, as "the most notable fairs within this realm for provision of fish".

*Decline of
English
fairs.*

It is difficult to determine with any degree of certainty the period at which English fairs began to decline either in numbers or importance. In 1335 it was said that "foreigners do not come to St. Botolph's fair as they used to do"⁴, while in 1426 we are told⁵ that the holding of St. Botolph's fair had entirely ceased "now for many years past", and doubtless other fairs also decayed. This, however, only means that the tidal waves of commerce had receded from certain places, and now visited more convenient centres. The decay of St. Botolph's fair, for example, which was very marked in the Tudor period, was largely due to the withdrawal of the Hansards. "The Eastwingers", says Leland, "left their course of merchandize to Boston, and since the town were decayed"⁶. Another factor in the decline of the city was the decay of the river and the development of new trade routes. In every century, in fact, there were the inevitable changes in the localisation of trade, and in the nature of things one fair superseded another. In 1563 a patent recites⁷ that the fair of St. Ives had not been held "for twenty years and more", on account of the absence of foreign traders, and a grazing apportion was made in 1548; apparently in the interim the fair had recovered its old position. St. Giles's fair undoubtedly declined in the fourteenth century, and the revenue drove deep its receipts fell off considerably⁸. Complaints of the decay of Wycombe

¹ *Barrow, History of the Reformation*, v. 120.

² *David Rogers, Agriculture and Prices*, p. 146.

³ *Statute* 15. cap.

⁴ *Cal. Depositions post mortem* 102. 426.

⁵ *Letter Book E*, 130.

⁶ *Leland, Itinerary* (ed. E. T. Dutton), iv. 182.

⁷ *Letter Book E*, 130.

⁸ *Fast. Church-Mon. Wymondham* 10. 30-31.

fair¹ were uttered in 1537: "Now these cometh but few or the none of the towns and borough thither for to keep and maintain the sheweth for there in that place, whereas of old custom was wont for to be kept; but keepeth their shops and their stalls at home there as they do dwell here within the said town". But while at different times one fair rose and another fell, no proof appears to have been adduced of a general decay in the fifteenth century of the system of periodical markets. On the contrary, the *Fair and Market Rolls* for the last nine years of Yorkist administration record at least ten grants of fairs², of which one gave to the bishop of Norwich two annual fairs at his town of Lynn, each for forty-one days. This shows that fairs were still a profitable source of revenue. As in earlier centuries, we find one town (Lincoln) petitioning to hold two fairs on account of its poverty, and another (Warrfast) allowed to set up three fairs because it was in great ruin and deserted by its inhabitants³. The indictment brought against the piepowder courts in the statute of Edward IV. can scarcely be regarded as evidence of the dissolution of fairs since, as we have seen, the burden of its complaint can be traced back at least a century, and as one town or another was probably covered with the existence of the fairs themselves. In the seventeenth century Cardiff alleged that the rivalry of a neighbouring fair had reduced it "to much poverty, and their poverty doth daily increase by means of the said fair": language which not only recalls that of earlier times, but indicates that the fair was still a source of profit⁴.

The opinion has gained currency that the fairs of the fifteenth and sixteenth centuries underwent a change in character, and were given up to purposes of amusement rather than to trade. But this view is unsupported by any evidence, and it is certainly wrong to suppose that even at the close of the Middle Ages English fairs had lost their

*their
tradition
in the
sixteenth
century*

¹ Parker, *Chronicle*, 15.

² *Fair and Market Rolls*, 1437-1445, pp. 5, 9, 17, 23, 25, 33, 34, 36, 37, 38, 39, 40. Examples may easily be multiplied. Norwich (*Chronicle*, i. 42) received three fairs in 1481 each for 3 weeks. Similarly: *Chronicle of Lincoln*, ii. 105, etc.; *West. Ct. Rec. (Edward IV.)*, ii. 225; *A. Ballard, Chronicle of Woodstock* (1482), 27.

³ *Reg. Port.*, ii. 418 n. (Lincoln, 1438); *Port. County Court Proceedings*, ii. 310 (Warrfast, 1438).

⁴ *Chronicle of Cardiff*, i. 167.

vitality as a commercial institution, or were attended "mainly by the local people who dwelt in their neighbourhood".¹ One striking illustration will serve to indicate that as late as the sixteenth century the fair often remained an important centre of internal trade. In the opening years of Henry VIII's reign Radcliffe, a suburb of Bristol, obtained the grant of a fair, but it proved "prejudicial and harmful" to the interests of the citizens who applied for relief to the Star Chamber. Their indictment (1509) sets forth how craftsmen of Bristol found themselves unable to dispose of their wares, inasmuch as purchasers now stayed away from the city and resorted instead to the fair. In particular they alleged that "coppers of London and other foreign coppers of this realm" sold their wares at the fair, "by means whereof the coppers of Bristol have less utterance of their wares to their great losses and hindrance and to the impoverishing of three or four hundred people, as carders, spinners and knotters, which, before the time the said fair was kept and used, had their livings by the coppers of Bristol which for the most part now are put from their work". The merchants of the city also declared "that the continuance of the fair at Radcliffe shall be the decay of merchants and navy of the port of the city". All the trade, they added, was attracted to the fair: "all strangers repair thither with all kinds of merchandise which they sell to other strangers as at that time do resort thither". Finally, the city revenues suffered a great loss of toll, since "strangers withhold until the time of the fair, and then all things are custom-free".² Nor was Radcliffe fair the only mart to attract traders from other parts of the kingdom. Attention has already been drawn to the continued importance of Southwiche and Bartholomew fairs.³ St. Ives was still "most notable for procurement of fish", and even St. Botolph would seem to have

¹ A. Lane, "Town Life," in *European Review*, 10 (1895) 315 (of the Cornhillman, English Antiquary, 5, 492). These statements were open to criticism: (1.) that the merchants "only lasted from one to three days"; (2.) that they "were frequented mainly by the local people"; (3.) that they "seemed a holiday rather than business character". The statement of foreigners was due of course to the fact that the marketing trade was passing into English hands.

² *Star-Chamber Pleas on the Star-Chamber*, 2, 156, 161, 167.

³ *Ibidem*, p. 156.

retained, for as late as 1805, it was described as "a bar of wick, whence there is usually, extraordinary export out of several parts of the kingdom"¹. In the reign of Elizabeth, Harrison in his *Description of England* wrote: "There are very few "large towns" that have not one or two fairs or more within the compass of the year assigned unto them by the prince. And albeit that some of them are not much better than . . . the common birknesses beyond the sea, yet there are others not inferior to the greatest marts in Europe"². During the fifteenth and sixteenth centuries English fairs certainly declined in relative importance. They were no longer the only, and perhaps not even the chief centres of traffic, for the towns had steadily grown in prosperity and in their ability to meet the requirements of the community, beyond this point it seems impossible to go.³

¹ Thompson, *Wicks*, lvi.

² Harrison, *Description of England*, ed. F. J. Furnivall (1891), 193.

³ For the importance of towns before 1500 in the eighteenth century see the interesting *Historical Account of Northampton, Rugby, and the most Famous Fairs in England and America* (Cambridge).

CHAPTER VII

THE GOLD MINCRANT

Changes
with a
national
front

In all stages of social evolution an intimate relation may generally be traced between political institutions on the one hand, and the forms of economic organisation on the other. How far political factors have moulded the destinies of mankind, and determined the nature and scope of their economic activities, can never be exactly known, and it is seldom easy to disentangle the many-coloured threads which make up the complex strands of social development. None the less, in the successive phases of national growth a marked influence has been exercised in the economic sphere by one or other of the contemporary political agencies.¹ The terms 'village economy', 'town economy', 'national economy', have been freely used to designate the different aspects of social organisation, though these terms if applied too rigidly would lead us to acquire a wholly artificial conception of the undivided community. In the interpretation of the past it is impossible to isolate the different periods of economic development into water-tight compartments. There is always a constant state of progress and change, in which normally everything is in a state of transition and nothing remains as a standard. The characteristics of a town economy are found in embryo in the village economy; those of a national economy appear in the town economy. Nowhere do we find sharp and clear-cut lines of demarcation, but everywhere a gradual and almost imperceptible movement. With this caution we may readily recognise the

¹ Cf. Schmoller, 'Studien über die wirtschaftliche Politik Königin des Grossen', in *Zeitschrift*, vol. vii.

utility of towns which serve to concentrate attention upon well-defined economic units, whose influence was specially marked at particular epochs, and in whose light we can construct a working hypothesis that will help to interpret for us the phenomena of medieval society. In the later Middle Ages the outstanding feature of political and social conditions in England was the position occupied by the municipalities, with whose exclusive and self-controlled character we are concerned in the present chapter. At a time when England was slowly facilitating the conception of a national state and achieving a measure of political unity hitherto unknown, disintegration appeared everywhere the dominant characteristic of her economic system. A jealous and rigid commercial monopoly isolated every locality from its neighbour, and sought to set up an impenetrable barrier of protective tariffs and stringent regulations. Economic life was organised on the basis of the town and the village, and the town, not the state, represented the vital principle of medieval economy; a municipal rather than a national policy constituted the mainspring of social development. Every town strove with varying degrees of success to become a self-dependent state, with active powers of aggression and defence; and the exclusion of strangers, the imposition of tolls, the right of reprisals, the restriction of "foreign"¹ competition, were all economic weapons in their municipal armoury. This isolation and independence of English towns made its influence felt in three directions: (i) in the jealous exclusion of non-townsmen from a participation in their mercantile privileges, (ii) in the more or less complete localisation of economic control, (iii) in the inter-municipal relations of towns with one another.

1. The mercantile privileges of a town were usually vested in a body known as the merchant gild, into whose hands fell the monopoly of trading during the twelfth and thirteenth centuries. There is no mention of the merchant gild in Anglo-Saxon history, and to all appearance it was established in England after the Norman settlement. The consolidation of national life, a process set in motion by the

The *gild* *brotherhood*

¹ The term "foreign" applied both to aliens and to all non-townsmen.

Norman Conquest) and accelerated by the administrative genius of Henry I and Henry II., induced the growth of towns and the expansion of trade; this in its turn would facilitate the development of a specially mercantile institution in which the trading activities of the borough would be focused at a single point. In its organized form the merchant gild was perhaps introduced from the continent, though some kind of commercial association could scarcely have been completely unknown before. The earliest known reference to the gild merchant is in a charter to the town of Bedford (1165-1167)¹; it is also found occasionally in the town charters of Henry I., and appears very often in Angevin charters. Altogether about a hundred towns in England, and seventy in Ireland and Wales, are known to have contained a merchant gild²; it was thus a widespread and not an exceptional institution of municipal life. But in some towns, London, Norwich and the Cinque Ports among others, a merchant gild appears never to have been established³. A document has recently come to light containing direct mention of a gild merchant in London in 1074, but this is too ancient to be conclusive, and may be an error of the chancery clerk who drafted the charter⁴. The concession of a merchant gild was by far the most valuable franchise conferred in borough charters, and was usually expressed in the formula: "Know ye that I have granted to the men of [Andover] that they have their merchant gild in [Andover]"⁵. It carried with it certain franchises which were commonly too well known to need rehearsal; thus John gave to Nottingham a merchant gild "with all the liberties and free customs which should or usually belong to a merchant gild"⁶. The privilege was definitely intended as a source of profit to the burgesses, and in the charter of Hugh le Despenser to Cardiff in 1340 the grant is avowedly made "for their own profit"⁷. The fundamental feature

¹ *Great Gild Merchant*, I p. 7. It is also mentioned in a document 1165-1170. ² The list of towns is given *ibid.* I p. 107.

³ *Ibid.* I, 111 ff. 21; *Notion, Last Jurisdiction in Norwich*, p. 12-13.

⁴ *English Med. Soc.*, 1770, 102.

⁵ *Bedford, Borough Charters*, 102.

⁶ *Records of Nottingham*, I p.

⁷ *Records of Cardiff* I, 11.

of the merchant gild consisted in the exclusive right of its members to buy and sell within the borough, retail and wholesale, on market days and all other times without payment of toll or custom. It is expressly stated in the charter to Oxford, for example, that "none who is not of the gild shall do any traffic in the city or suburbs"¹. Only, in an emergency were gildsmen as a rule required to pay toll on their merchandise, as at Southampton in 1355 to complete the fortification of the town². Sometimes the monopoly of trading extended to the whole body of burgesses, but here apparently the borough had no gild; as the reign of Henry I. merchants could buy wool, hides or cloth within the borough of Newcastle if they were burgesses, and Newcastle did not obtain a merchant gild till 1206³. Occasionally the monopoly of the gild extended beyond the walls of the borough. A charter of Henry II. enacted that no one "within a radius of ten leagues of Nottingham ought to work dyed cloth except in the borough of Nottingham"; and some other towns enjoyed the same privilege⁴.

The commercial monopoly of the gild-brothers was limited in certain directions, but the limitations were dictated not by a sense of national needs, but solely by a regard for their own narrow interests. They were conscious that to insist upon the strict letter of their privileges, and shut out all merchant strangers from their midst, would impair their prosperity and tend to their own hurt. Hence non-gildsmen were allowed to buy and sell wholesale, provided that (1) they paid toll, (2) sold their commodities to gildsmen only⁵, and (3) did not buy certain enumerated commodities like wool, grass, unanned leather and undyed cloth⁶, the supply of which was limited and therefore reserved for the use of the town. Thus in the ordinances of the Southampton gild none but gildsmen were quit of toll, or

degree
of the
commercial
monopoly
granted
by gild-
men.

¹ *Ellip. Letter Customs*, i. 471. ² *Ch. Book of Southampton*, ii. 214.

³ *Belleg. Borough Charters*, 170.

⁴ *Nottingham: Records*, i. 3. *Deby. : P. Youmans, Records of Charter and* (1882), 25.

⁵ In 1345 the mayor of Oxford was ordered not to prevent strangers from selling victuals in Oxford, provided (a) they paid toll, (2) and did not sell retail. *O. Oxf. Royal Letters addressed to Oxford* (1892), 17.

⁶ *Ch. Book of Southampton*, i. 22, 42-43; *Ch. Book, Gild Merchant*, i. 42.

could buy anything in the town of Southampton to sell again there as retail¹. The rule against retail trading was intended primarily to compel merchant strangers to sell their wares to native dealers instead of direct to consumers; apparently it did not apply to country folk who brought their produce to the town market, though of course they would be required to pay toll. Again, provisions and other small wares could probably be bought and sold in the town even by non-gildsmen, provided they bought for their own use and not for purposes of trade. This may be inferred from an ordinance of Southampton, where a gildsman guilty of certain offences could not buy or sell in the town during the year ending *only in-retail*². At Ipswich also, a stranger could sell victuals by retail³, and elsewhere 'foreign' traders were allowed to bring provisions freely into the town. But the unincorporated trader dwelling within the borough was forbidden to sell retail or to keep open shop. It is common to find non-burgesses prosecuted for these offences and particularly for buying and selling retail⁴. The gildsmen were especially concerned to prevent any evasion of toll, and it was therefore a serious offence for a gildsman to cover the goods of a stranger as his own to enable the latter to escape customs. The offence of 'colouring' goods, as it was termed, or acting as factor for non-gildsmen, involved loss of gildship or other heavy penalty⁵. The oath of the freemen of London ran: "Ye shall not cover as your own the goods of foregynen, whereby the king shall lose his custom"⁶. At Hereford, if a citizen protected the goods of strange merchants as though his own property "to the hurting of our customs", he was held to have perjured himself, and on that account lost his freedom⁷. Similarly at Newcastle a merchant adventurer who shipped the goods of non-members forfeited a penalty⁸. All relations with strangers were in fact strictly forbidden. A gildsman could not enter into partnership

¹ *Cart. Book of Southampton*, i. 32.

² *Ibid.* ii. 39.

³ *Baron, Ipswich*, 147. Similarly, *Northampton Records*, i. 101.

⁴ *Letter Book C*, 19. *Records of Nottingham*, i. 229.

⁵ *Cart. Book of Southampton*, ii. 39. *Records of Warwick*, i. 219. *Magna Charta*, 300-301.

⁶ *Letter Book B*, 125.

⁷ *Journal British Association*, 1880, 498.

⁸ *Newcastle Merchant Advertisers*, i. 30.

with a non-gildsman to trade with his money or sell his goods for part-profits¹. He could not travel in the country with merchant strangers directing them where to buy wool or other merchandises, and craftsmen were not allowed to teach country folk a knowledge of their mystery².

An important privilege attaching to membership of the merchant gild was that of sharing in any commercial transaction made by a fellow-gildsman. If a gildsman made a purchase, whether in markets, fairs, or in his native town, it was open to other gildsmen to claim a portion of it at the original price at which the commodity had been bought³. The buyer alone was exempted from the obligation to share his bargain⁴. The exercise of the privilege, however, was usually conditional on the merchant being present at the making of the bargain in which he claimed the right to go share. This proviso is explicitly laid down in the Southampton ordinances: "a gildsman shall have a share in all the merchandises which another gildsman buys, if he is on the spot where the merchandises is bought"⁵. But at Norwich even those who were not present at the transaction were allowed to share, provided they paid "to the buyer twelvepence for profit"⁶. The system lent itself easily to abuse and it was necessary to guard against dishonest trickery. "Certain persons", we are told in the Norwich customal, "have a practice of making their purchases by two, three or four, or more of their servants . . . so that they have two, three or four parts or more of that merchandise as against a poor [freeman] of the city". It was therefore ordered that none should henceforth "make such purchases in the city save by themselves or one of his servants only, so that his fellow-citizens" may share equally if they wish⁷. As a rule, the right of *lot*, as the privilege was called, was laid down in gild ordinances, but at Grimsby it was inserted in the town charter "that it be not denied

The right of *lot*.

¹ Records of Leicester, i. 22, 23. *Old Book of Southampton*, i. 37.

² Records of Leicester, i. 32.

³ York Memorandum Book ii. 24.

⁴ Records of Leicester, i. 291.

⁵ An early rule of Leicester, *ibid.* i. 270.

⁶ *Old Book of Southampton*, i. 30. *Sanctuary Sandwich*. Borough Custom, ii. 178.

⁷ J. T. Smith, *English Gilds* (1890), 322.

⁸ Records of Norwich, i. 144.

to any bargains of the town to share in any bargain, provided he was present at the sale"¹. At Norwich, which had no gild merchant, the obligation was imposed upon the burgesses in the bye-laws of the borough². The privilege was intended to foster equality, and protect the poor from the rich by preventing the monopoly of trade falling into the hands of the few. It embodied the principle that every burgess should have a share in trade "sufficient for the maintenance of himself and his family"³. The liability of each citizen for the standards of fellow-citizens, of which we shall speak presently, had at any rate a partial compensation in the common right of protection against merchant strangers and above all in an equality of opportunity. The increasing tendency to individualism which marked the later Middle Ages and is especially characteristic of the sixteenth century, revealed itself in a growing reluctance to comply with the obligation, and the charge of evasion became a very common offence at the gild court⁴. In 1587 the jurors at Southampton in complaining of the decay of the system laid remarkable emphasis upon its merits: "In times past there hath been a very good order devised, that every burgess of this town should have a part of any bargain made with strangers for any commodity brought to the town, defining the same in a convenient time, as in the same ancient order may appear. By which device it may evidently appear to us that the chiefest and men of greatest credit and wealth, into whose hands the best and most profitable bargains were like for the most to come, did not respect their own private gains so much as the maintenance of the state of this town, knowing that always they were to continue in the same, but others should grow under them, and therefore willing that the younger people should be partakers with them. Which being so good and politic an order for the estate of this town, we desire your

¹ Borough Customs, i. 108.

² Records of Norwich, i. 174.

³ *Customs, Gild Merchant*, ii. 174 (see introduction).

⁴ E.g. Records of Exeter, i. 76. "An Certeinay (1496) whenver burgis men that according to the custom of the town is to distribute & among the neighbours at the same tyme as which they were first bought." (Earl's Court, i. 102). Bachelors also had to share wholesale bargains (1498) and in 1526

ventures may be confirmed in that good sort and manner as first it was devised"¹.

The commercial aspect of the gold merchant was also marked in the efforts made to promote co-operation and collective bargaining among the gold-brothers. The gold itself as an organized body of traders, engaged in commercial transactions. In some towns the gold officers claimed the sole right to deal in certain commodities, the profits of which went into the common purse². At other times they could make the first bid for the wholesale purchase of imported cargoes, which were then distributed among the goldsmen at retail prices; these joint purchases were known as "common bargains". At Liverpool all produce brought into the town was first to be offered for sale to the community and a value placed upon it by the appraisers; if the merchant rejected the offer, he had then to purchase license to sell in open market³. These joint-stock purchases were also common at Berwick, where the authorities made communal purchases "for the common weal of the town"⁴. At Chester the profits were devoted to public objects, and here the owner of the cargo was required to give the option of purchase to the mayor: the option lasted for no less than forty days, a period later reduced to ten in order not to discourage trade⁵. At Bristol, when a ship came to port, the town-traders assembled to decide "what is to be done in that behalf for the weal of the said fellowship"⁶, that is, they prevented competition by a preconcerted arrangement as to the prices at which the cargoes should be bought. The practice of collective bargaining sprung partly from a determination to place the merchant stranger always at a disadvantage, and partly to promote equal opportunities for trade among the brotherhood. It has an additional interest for us in that it appears to have contained the germ of the later joint-stock company⁷.

General
history.

¹ Southampton Custom Roll, 1420, 1421.

² E.g. goldsmiths at Lyons. *Customs of Merchants*, v. 179.

³ *Ibid.* ii. 127.

⁴ *Ibid.* 1722. *Customs of Merchants*, i. 20.

⁵ *Merch. Chester*, 302. Apparently London was an exception, for there, it is said, there were no "common bargains". *Annals of London*, i. p. 2000.

⁶ J. Lawrence, *Merchants' Customs of Bristol*, Bristol (1892), 24.

⁷ Cf. W. M. Scott, *Joint-Stock Companies* (1922), i. 4.

*Other
functions
of the gold
merchant*

Apart from its control of trade, the merchant gold served other functions which exhibit in a strong light the case of internationalism inherent in the gold system. These can best be illustrated from the ordinances of the gold merchant of Southampton. Its care for unfortunate brethren is seen in the rule that if a goldman were ill, he should be given "two havers and a gallon of wine and one dish of cooked food", while two of the "approved men" of the gold were to visit him "and look to his condition". If a goldman were in prison in any place in England during a time of peace, the alderman with other officers of the gold were to go at the cost of the fraternity to procure his deliverance. A member of the gold who fell into poverty, and could not work or provide for himself, was to receive one mark from the gold at its meetings¹. The rules of the gold merchant of Lyons show a similar regard for unfortunate brethren, and they equally insist upon the obligation to give counsel and assistance to those in distress². The brethren were also expected to live in peace and amity with each other; quarrels were to be settled by arbitration without recourse to law³, and if one goldman struck another he lost his goldship. At the same time steps were taken to prevent excess of competition between fellow-goldmen. At Shrewsbury, for example, no one was allowed to erect booths or adopt other devices whereby "to have better sale than any of the cumbrethren"⁴. But the principle was abused when traders sought to force up prices, and intimidated those who refused to submit to their demands. In 1599 a herring merchant of Scarborough complained in Chancery that "because he sold his merchandize at a less price than other merchants of the town of Yarmby did there . . . they envied him, beat him and ill-treated him and left him there for dead, so that he despaired of his life"⁵. Lastly, we have to remember that the member of a merchant gold possessed a recognized status: he was backed by the resources and prestige of his

¹ *Old Book of Southampton*, i. 75, 76, 77.

² *Customs Gold Merchant in the city of London* (1282), chap. ii. 113.

³ *Ibid.* ii. 116 (Lyons), *ibid.*, *Chancery*, 75, 76-77.

⁴ *J. A. Hildner, Influence and Development of English Gold* (1895), 22.

⁵ *John Case in Chancery*, 27.

society, and supported by its common letters or 'loans'—corresponding to modern letters of credit—when he found himself abroad.¹ When a merchant was at variance with the authorities of a town he could turn to the rulers of his own city, who would interfere on his behalf and take active steps to defend his interests or avenge his wrongs. Nowadays the individual seeks redress for his injuries in a court of law; in a ruler age he found a more expeditious and reliable means of protection in fraternal union with his fellow-gildsmen. The security which a merchant in the seventeenth and eighteenth centuries gained in foreign countries as a member of one of the great trading companies, the medieval trader found in his own country as a member of the merchant gild. This peculiarity brings forcibly before us the fundamental features of medieval town-life. The privileges and burdens of an Englishman were borne in the main in the citizen of a particular town and shared only with a limited group; their nature and extent depended primarily upon the bargain which his community had made with the Crown or with its neighbors. Thus was no less true of foreign than of English towns; the burghers of certain continental cities, as will be seen,² came to enjoy special grace in this country in virtue of a royal charter or municipal treaty.

In return for the privileges of membership the gildsmen were bound by the regulations which the gild merchant in its wisdom thought fit to impose. The scrutiny of wares exposed for sale in the town was a function not lightly disregarded by the authorities. The gild rolls of Leicester record how one, Roger Aldith, was convicted three times concerning a certain ventilation cloth made contrary to the rules of the gild, "to wit, with the wool in the middle poorer and worse than at the ends". His persistence in fraud met its due reward, and he was "cut off from the gild and separated

Control of
industry.

¹ This is definitely stated in the case of Strickland. *Journal of the Archaeological Society*, 1868, p. 46. A letter witnessed by the collection of Strickland by those of Redgrave testifies to the good character of the suggested burgher: "For County of Suffolk, 1868, p. 46." The mayor of London wrote to Leicester with "greeting and very courteous fellowship" commending a merchant: *Records of Leicester*, n. 128 (1392). For letters written on behalf of merchants to various masters of towns, see *op. cit.*, p. 432.

² *Ibid.*, p. 432.

from the community" of the gild brethren¹. The control of the same gild over industry is shown by its efforts in 1280 to compel weavers and fullers to accept certain rules, the weavers undertaking to conceal no deceit in their work, and the fullers not to full "unsifted cloth"². In 1285 the gild also fixed their wages, and forbade them to weave the cloth of neighbouring villages unless they had insufficient work from the inhabitants of Leicester³, a rule devised in order to check the industrial rivalry of country districts. The regulation of trade whether on the part of the gild or the municipality was everywhere marked by extraordinary attention to the minutest details. Weavers were fined or placed in the pillory for bad or fraudulent work⁴. At Norwich buyers were enjoined to make no purchases unless they were ready to pay for them forthwith, "so that the countrymen might not be put off nor hindered in receiving their payment and doing their business"⁵. At Bristol taverners of wine and ale were forbidden to keep guests sitting in their taverns after the hour of curfew had rung, but straightforward must shut their doors under penalty of two shillings⁶.

At the head of the gild stood the alderman and his associates, two or four in number, who were appointed in the meetings or 'morning-speech' of the assembly. The gild of Southampton had an alderman, seneschal, chaplain, four eschevins and an usher⁷. The primary qualification of membership appears to have been the obligation to be at 'scot and lot', that is, to share in the common charges of the community. The ordinances of the merchant gild were enforced in the gild court, which dealt with pleas relating to the colouring of goods, refusal to share purchases and other offences against the privileges of the gild-brethren⁸. Apparently, however, commercial matters were more commonly delegated to the borough courts; at Southampton the connexion between the merchant gild and the court last

Deposited
here by
the gild
merchant.

¹ Records of Leicester, i. 80.

² Ibid. i. 80.

³ Ibid. i. 109.

⁴ Ibid. i. 109, ii. 155. *Medieval Law Jurisdiction in Norwich*, 30.

⁵ Records of Norwich, ii. 128.

⁶ *Little Red Book of Bristol*, ii. 107.

⁷ *Ch. Hist. of Southampton*, i. 155; *Chart. Gild Merchant*, ii. 28.

⁸ Pollard and Maitland, *History of English Law*, i. 402.

was extremely close, and here the regulations of the gild seem to have been carried out to the letter.¹

The exact position occupied by the merchant gild and its relation to the borough community have been the subject of much controversy.² It is clear that it was not merely a private commercial association devoid of official powers or prestige, nor on the other hand did it coincide with the administrative organization of the borough. It was an important element in the latter constitution, but it was subordinate to and not identical with the municipal government. It dealt primarily with the supervision and control of the trade monopoly, and though there was a growth of other functions they proceeded one and all from this cardinal obligation. The core of the borough polity was not the merchant gild but the borough court, which was responsible for the assessment, collection and payment of the *free burgage*,³ the administration of police and justice, and the election of the borough officers. Apart from a difference of functions, there were differences of membership and organization. Burgesses were charged with all the liabilities and duties of citizenship: they filled municipal offices, served on juries, kept watch and ward, suppressed riots and disorder, answered the call to arms in defence of the town, maintained and repaired the walls, paved the streets in front of their houses, made bridges and highways, and performed other public works.⁴ At the same time they were required to reside within the borough and to own a burgage tenement,⁵ "or other yearly residence"⁶, as a pledge of their ability to fulfil their financial obligations, "by the which they may justify themselves unto our lord the king and his community". The essential qualification for the gild franchise, however, was the capacity to pay *scot and lot* for the right of trading. In many towns the gild merchant organized members who did not even live within

History of
the gild
merchant
and its
borough.

¹ R. J. C. H. Thompson, *Local Government in England* (1921), 209; *Southampton Court List Records*, p. 222.

² Cf. Davis, *Gild Merchant*, I, c. v.

³ *Ibid.*, p. 121.

⁴ *Ibid.* Thompson, *Southampton Court List Records*, 12, 127, 129, etc.

⁵ *See Paper Book of Colchester*, 12.

⁶ *Journal British Archaeol. Assoc.* xxviii, 222 (Exeter).

the walls of the borough; the charter granted to Peterborough enacted that "all merchants of the county of Peterborough by the decision of my burghemen may enter into their merchant gild"¹. The merchant gild of Ipswich admitted to its franchise many neighbouring landowners, and among them the earl of Norfolk². The oath sworn by the gildsmen at Leicester to act and let with the gild "wherever he may dwell", appears to point to non-residence³. But practices varied from borough to borough, and the terms of membership were not everywhere uniform. Sometimes residence would seem to have been required as a condition of gild membership, in order to ensure payment of contributions and performance of services. At Hereford⁴ none could trade unless he were "in soot and let with our citizens of the gild merchant, . . . and unless he shall be dwelling in the same city with his wife", that is, he had to be a permanent resident in the town. There was thus a well-defined distinction between gildship and burghership. All gildsmen were not burghers, nor were all burghesses gildsmen, and it was possible for an inhabitant of the town to be neither a burgher nor a gildsman. In short, the gildsman possessed commercial status, but was debarred from any share or control in the political life of the community unless he was also a burgher; the burgher enjoyed civic rights, but was excluded from trade unless he was also a gildsman. At Leicester the line between members of the merchant gild and burghesses of the borough was clearly drawn. The tenants of the bishop of Ely, who were at soot and let with the gildsmen, had full rights on all affairs touching the "commerce of the gild", but were excluded from the "commerce of the town" unless they were also burghesses owning land within the borough⁵. Again, the existence of two separate organisations is shown by the fact that when Ipswich obtained a charter from King John in 1200, it proceeded first of all to elect bailiffs, coroners and portmen to govern the borough; then at a later date,

¹ *Statute, Borough Charters*, 109.

² *Ibid.* MSS. *Customs gild Ship*, App. 1, 129.

³ *Records of Leicester*, i. p. 1.

⁴ *Journal of the Society of Antiquaries*, 1890, 129.

⁵ *Records of Leicester*, i. 192 (1201).

an alderman of the merchant gild was chosen, and with him four associates.¹ At Beverley the ordinances of the merchant gild were "diligently inspected" by the trades burgers of the town, who also paid a rent to the gild for the use of the gildhall², an indication that the gild was not identical with the community and was subject to the municipal body.

The distinction between the 'community of the gild' and the 'community of the town' must not, however, be pressed too far. The evidence of Leicester seems to indicate that here at least, while the difference between them was well understood³, there was no duality of office and two sets of officers, but that the same officers governed the borough and the gild⁴. Moreover, the line of demarcation between the gildsmen and the burgesses tended necessarily to become shadowy and indistinct, for in practice the composition of the two bodies would more or less coincide. In process of time the merchant gild became gradually merged in the town administration. The court of the borough was as a rule far more ancient than the gild, but when trade expanded and the functions of local government grew more and more complex, the gild was apt to develop into the predominant partner. The dual system of municipal government disappeared, and the regulation of trade and the control of general municipal activities passed into the hands of one and the same body. The ultimate identity of gild and borough is seen in 1290, when the mayor of Worcester together with the recorder and one of the bailiffs appeared "on behalf of themselves and the community of the gild merchant" before the authorities of London to complain of the exaction of toll⁵. Again, the earliest of the corporate seals used by the city of Gloucester, dating from the first half of the thirteenth century, bears the inscription in Latin: "seal of the burgesses of the gild merchant"⁶. At Bristol the amalgamation of the gild merchant and the civic body

¹ *Great Gild Merchant* c. 115.

² *Beverley Town Documents*, pp. 101, 74.

³ *Records of Leicester*, I, p. 268.

⁴ *W. H. St. John Hope, "Seals of Gloucester," in Essex, Bristol and Gloucester Archæol. Soc. 222* p. 63.

⁵ *Ibid.*, p. 129.

⁶ *Later Seal* I, p. 70.

is shown by the existence of a common purse, for the burgesses announced to Edward II. that "out of the profits of the gild of merchants and of the town they supported right bridges" and other town charges.¹ Further, however distinct the burghal polity and the merchant gild may have been in their origin, the latter must have exercised great influence upon the municipal constitution in the later stages of its development. From the first the gild formed a corporate body whose members were knit together by the identity of their commercial interests, and this example would awaken in the whole body of burgesses a feeling of unity and a consciousness of mutual bonds. Its influence would be felt more especially in dependent boroughs subject to manorial lords, which were struggling to emancipate themselves from seigniorial control and to acquire rights of liberty and self-government. Here the merchant gild became the nucleus round which the townsmen rallied in their fight for municipal freedom, and where they learnt to appreciate the possibilities of concerted action and to organize themselves for purposes of aggression and defence. At Gloucester when the townsmen broke out into revolt against the supremacy of the abbey, their first step was to set up a merchant gild² as the symbol of their present triumph and the basis of their future activities.

Immunity from toll

The exclusive monopoly of the townsfolk in the regulation of trade was to a certain extent impaired by the claims of many of the chartered boroughs to carry their merchandise throughout England quit of toll. No mercantile privilege was valued more highly than that which released traders from all local customs in town, fair and market, outside the walls of their own borough. Already in Domesday Book the inhabitants of Dover who paid the king's dues went free of toll in every part of the realm³, and later, grants of immunity became general. Henry's charter to London in 1191 enacted that "all the men of London shall be quit and free and all their goods, both throughout all England and throughout the seaports, of toll and passage and livery

¹ W. Barrow, *History and Antiquities of Bristol* (1812), p. 101.

² *Trans. Bristol and Glouc. Archæol. Soc.* ix, part 2, 122.

³ *Domesday Book*, i, 7.

and all other customs"¹. Other towns, Winchester and Olinton², enjoyed the same privilege in the reign. Subsequent charters of Anglo-Norman towns were framed with liberal measure. The inhabitants of Wallingford were afforded what "whenever they go trading through the whole land of England and Normandy, Aquitaine and Anjou, by water and by straits, by roads and by lands"³. Similarly foreign towns enjoyed immunity in England: Rouen and St. Omer under Henry II., and Calais under Richard I.⁴ Sometimes the privilege was curtailed in favour of London⁵, and sometimes, as at Cambridge⁶, it was expressly restricted to members of the gild merchant. The mediate boroughs under the control of manorial lords, ecclesiastical and secular, were less favourably situated, and hence it was beyond the power of their owners to confer immunities so extensive. The earl of Gloucester freed his town of Cardiff from all customs within the shire of Gloucester where he held sway; Lestwithel received at the hands of Richard, earl of Cornwall, immunity from toll throughout Cornwall, "in fairs, markets and whenever they buy and sell", the men of Denbigh and Llantrisant received freedom from toll in all the lands owned by their lords throughout England and Wales, and the men of Sheffield went quit of toll in Hallamshire⁷. An unusual clause in the charter to Saltford reserved the lord's right to the toll of salt⁸. In some cases, however, the oligarchical borough was enabled to acquire the larger franchise: Beverley, which under Henry I. had been released from toll in Yorkshire, paid King John the sum of five hundred marks to be free throughout all England⁹.

¹ *Libellmann*, *doctes* i. 239.

² *Chart. Gild Merchant*, R. 132.

³ *Ibid.* ii. 122. Similarly, *Ibid.* ii. 123, 127, 128, 129, 130. *See also* *Letters, British Charters*, 3. *Charters, Gilds, Burghs of England* 2.

⁴ *Ch. Rouen* (in *France*) 30 (*Chartes*) 316 (*Calais*, 127 (St. Omer).

⁵ *British Charters of Liberties*, 7 (*Paris*).

⁶ *Cambridge Borough Charters*, 3. Similarly, *Records of Nottingham*, i. 5, 102.

⁷ (a) *Cardiff*, *Records of Cardiff*, i. 23. But the proximity did not extend to new lands and wastelands. (b) *Lestwithel*, *Ibid.* 1856. *Chart. Finesse Charters* ii. 127. (c) *Denbigh*, *Survey of Denbigh*, p. 100. (d) *Llantrisant*, *Adrian Journal*, 120. 121. (e) *Sheffield*, *Heaton and Carr*, *Wallingford*, 22.

⁸ *Wallingford*, *Memoranda* ii. 401.

⁹ *Beverley Town Documents*, p. 206. *See also* *British Charters* 3.

of trade. Tenants in Ancient Demesne, for example, were not exempt from toll when they bought and sold their goods as merchants. This opinion conflicts with that of the great lawyer, Fitzherbert, who held that they were to "be quit of toll generally, although they do merchandise with their goods"¹. But in spite of Fitzherbert's authority, his doctrine must be reported as unavailing. In 1286 a jury stated that the men of Southampton, a town of Ancient Demesne, ought not to be distrained for toll on wares purchased for their own use, but ought to pay toll for merchandise which they bought and sold as merchants². Again in 1309 other tenants of Ancient Demesne successfully claimed that they were exempt from toll on small merchandise, ordinary provisions, except when they were dealers engaged in trade³. As late as 1517 and 1533, herring merchants from Suffolk complained before the Star Chamber and Court of Requests that the town of Hull had exacted toll, although they were tenants of Ancient Demesne. Hull defended its action on the ground that they ought to pay toll on "all manner of merchandise bought or sold by any of them, except it be of any such things bought by them as necessary for their own household, or for such corn or other things sold by them as groweth or doe is brought up of the said ground as holden"⁴. In 1535 an inquisition was held at Ipswich to ascertain the validity of the claims made by certain religious persons to be free of toll in the town; the jury pronounced that they and their men were quit of custom, but only on things growing on their own lands and things bought for their own use, "but villagers who are merchants always paid custom"⁵. This decision was confirmed in 1574 in a regulation concerning the 'foreign burghers' of Ipswich⁶. A complaint in the Hundred Rolls draws a similar distinction: the burghers of Wallingford were accustomed to take toll from merchants only, whereas now,

¹ Fitzherbert, *The New Natura Brevium*, 220-221.

² *Reg. Abbat. Ebor.* 2.

³ *Ibid.* 205 b.

⁴ *Star Chamber on the Star Chamber*, ii. 100 (1517); *Star Chamber on the Court of Requests*, 25 seq. (1533).

⁵ *Grims. Guild Merchant*, 2. 171.

⁶ *Grims. Ipswich*, 11. In 1574 Ipswich altered the duty of villagers and the tenants to be toll-free in the town, except merchants: *ibid.* 2. A similar arrangement was made at Loughborough, *Charter of Lough.* 56.

contrary to the tenor of their ancient franchises, they exacted toll from men of the county, who bought corn and other victuals for their household store.¹ Sometimes the scope of the privilege was expressly limited in the charter itself: the Conqueror issued a precept that all things which the monks of Abingdon bought as status were to be free from toll and custom.²

For the
charter.

The question of toll and custom is one of fundamental importance in the history of medieval commerce. Its exact economic significance lies in this: the immunity of outsiders from the payment of toll facilitated the growth of commercial intercourse, encouraged the development of internal trade, curtailed the monopoly of the gild-brokers, and finally helped to break down the custom barriers of the boroughs, thus paving the way for national economic unity. On this account it is important to decide how far the privilege was respected in everyday practice, and to what extent it succeeded in placing real limits to borough exclusiveness. It has been said that the words of the charter conferring freedom from toll had but little immediate result, and were practically meaningless.³ But there is abundant evidence to prove that the privilege did not remain a dead letter. In 1292 the city of London was ordered to restore to certain burgesses of Oxford their merchandise upon which the citizens had distrained for toll,⁴ and to cease to demand such toll in future. Ipswich as burgesses of Oxford were by charter quit of all toll throughout the realm.⁵ A parallel instance is that of Andover in 1292, and of Ipswich in 1297,⁶ while in 1315 Reading also established its claim before the mayor of London in virtue of a charter granted as recently as 1233.⁷

¹ *Ibid.* II, 222.

² *Form. Supplic. Supplic.*, I, 51. But the exemption was not always observed; see *Ch. Book of Southampton*, II, 47-48.

³ *Antiqu. Economic History*, II, 22.

⁴ *Letter Book C*, 206. Oxford again asserted its freedom from toll in 1299; *Collectanea (Oxford Hist. Soc.)*, 10-12.

⁵ *Letter Book D*, 100 (Andover). *Form. Supplic.*, 21 (Ipswich). *Ibid.*, 100 (1297).

⁶ *Records of Reading*, I, 215. In 1297 it asserted its claim; *Letter Book E*, 126. The Clugny Priory made good their claim to exemption in 1296; *Index, Chart. S.* For Esher's claim, as a town of Ancient Diocese, see *Robert Gower on the Great Charter*, I, 71-72.

Nor did the city of London stand alone in acknowledging the trading immunities of merchant strangers; there are numerous instances at Colchester and other towns.¹ In 1133 disputes arose between Bristol and Coventry; the former admitted the right of Coventry to be quit of ordinary tolls, but charged 'quayage' on the ground that the quay was of recent construction and therefore the tax was not included in their exemption.² Henceforth, then, that immunity from toll was no barren or paper concession devoid of all relation to the realities of commercial life. Indeed at Norwich in 1189 a burgess was punished, because of his own accord he gave toll and custom in markets and fairs "contrary to the liberty of the city."³ A few years later (1191), distress taken from certain citizens of Norwich at Boston fair on account of their refusal to pay toll was restored upon the production of their charter.⁴ We have already seen how steadfastly the citizens of London adhered to their privileges at the fairs of Bury St. Edmunds and Waltham, and there are other examples.⁵ Nor is it possible to agree that the exercise of the privilege always depended upon the priority of the grant.⁶ In the thirteenth century the question was still unsettled, but subsequently even when a borough was able to urge an older charter in support of its trade monopoly, it was usually compelled to recognize the validity of charters conferred at a later date. The men of Marlborough were declared to be free of toll and custom in Southampton, "notwithstanding that the charter of the men of Southampton is older than the charter of the men of Marlborough."⁷ Eton College founded by Henry VI. claimed to be quit of toll in Bristol, whose charter was granted by Henry II.⁸ London, whose privileges dated from

¹ Colchester. *Red Paper Book*, 17, 18, 91, 102. Bristol: *Little Red Book* at 129 and following pages. Torksey: *Records of Nottingham*, i. 127.

² Coventry: *Lat. Book*, ii. 122-123. For the settlement: *ibid.* at 123.

³ *Statute Law*, *Justifications of Norwich*, 19.

⁴ *Records of Norwich*, ii. 107.

⁵ *Reges, p. 100*. *London School Cases in the Star Chamber*, i. 26.

⁶ This was the legal view: *Reges*, i. 264, i. 28. *Parliamentary History*, 512 (note 1). *Sanctuary, Green, Cold Chantry*, i. 41 (p. 42). The case at *Shute's New Book* dealing with the question of tolls (*ibid.* vol. ii. pp. 11, 12) is not 1208. ⁷ *Charter Rolls*, i. 144 (1202).

⁸ *Little Red Book of Bristol*, i. 129. At Yarmouth, which claimed to

the twelfth century, acknowledged those of Reading, which belonged to the thirteenth. Indeed, if the date of the charter determined the validity of the grant, London whose charter was the oldest in England could have taken toll from every town in England. But though some charters expressly contain a clause, "sunder in all things the liberties of the city of London"¹, many towns, as we have seen, were allowed to go toll-free in London itself.

London by
charter
exempted
the great
merchant

It would be easy to multiply proofs in support of the contention here advanced that the privilege of exemption from toll was a real one. It was used for burgesses and men of religion travelling in other towns to carry with them letters or memoranda of their claims to immunity from customs, and these were often entered upon the town records as evidence. The Oak Book of Southampton contains mention of over forty boroughs enjoying immunity from toll, and a long list is also inserted among the records of Bristol and Yarmouth². Many of the charters, it may be added, are of more recent date than those of Southampton, Bristol or Yarmouth. Examples of the passports carried by burgesses are found at Leicester and Northampton³. Their purpose was to prevent false claims on the part of non-burgesses, and they serve to show that discrimination in the levy of tolls was made as a matter of course between those who were qualified for exemption, and those who were not. The distinction is implied in John's charter to Chesterfield, where toll was allowed to be taken in the markets from those who had no franchise (libertate)⁴. Again, many boroughs were protected from infringement of their charters by the right to make reprisals; they were definitely empowered to distrain upon the goods of traders

exempt toll by virtue of a charter from John, the men of Caithness were allowed to go free of toll by virtue of a grant from Edward II. *Twynsham, Antiquities of Yarmouth*, 28.

¹ *Chart. of London*, 5. The *Statute* before § 109.

² *Oak Book of Southampton*, i. 5-12; *Little Oak Book of Bristol* i. 132, 133, 134, 135-36; *Twynsham, Antiquities of Yarmouth*, 25-26.

³ *Records of Leicester*, ii. 299 (1246), 321, 322; *Records of Northampton*, i. 224-25. An *Exemption* (1240) following many protected letters and with changed will. *Red Paper Book*, 77.

⁴ *Twynsham, Records of Chesterfield*, 25.

descended in their midst, who came from the towns where toll had been taken. Henry I.'s charter to London contained the passage that "if any one take toll or custom from the citizens of London, the citizens of London shall take in the city from the borough or town where the toll was taken as much as the Londoners give for toll"¹. Accordingly, in the fourteenth century we find many letters addressed by London to the authorities of provincial towns threatening to take 'withernam', that is, to seize the goods of their citizens whenever they repaired to London, unless they restored the toll they had taken². The right of 'withernam' was also conferred on many other towns, Northampton, Yarmouth, Lincoln, Dublin, Colchester³. These concurrent indications all bear out the view that exemption from toll was a normal and familiar practice. Equally also they afford a strong presumption that the degree of internal free trade enjoyed by English merchants and others in the Middle Ages has been unduly minimised.

Dr. Coxe has taught us to recognise as the essence of the gild merchant the exclusive right of its members to trade within the borough. But the conviction is forced upon us that the monopoly of the gildmen must often have tended to be more nominal than real. One example may serve to show how the monopoly was apt to work out in practice. In 1360 a burgess of Stafford brought a lawsuit against the town of Newcastle-under-Lyme, because it had taken from him four ells of cloth in which he was trading in Newcastle. The defendants pleaded that burgesses of Newcastle alone were entitled to cut cloth or keep open shop within their town. The plaintiff rejoined that "all the burgesses of Stafford possess all liberties and free customs the same as any other burgess of England, saving within the city of London"⁴; judgment was therefore given in his

Monopoly of the gildmen often only nominal

¹ *Libermanns Charter* l. 309.

² E. E. Sharpe, *Calendar of Letters* (1885), passim. See also *infra*, p. 124. For a letter from Eves to the authorities of Hull (1364), see *Index, Charters of the Cinque Ports*, 31.

³ (1) Northampton: *Selden Socy. Papers* i. No. 27. (2) Yarmouth: *Records, Customs*, i. part i. no. 361. (3) Lincoln: *Records of Lincoln*, i. 101. (4) Collier: *Documents of England*, 22. (5) *Records, Charters of Colchester*, 1.

lawyer¹. Approached from this fresh standpoint, the merchant guild does not appear quite in the old light, and its claims when put to the test of law and economic practice seem to undergo an appreciable shrinkage.

*Continued
negotiations
leading to
1280.*

We have seen how the trading community of every borough enjoyed extensive privileges which served to strengthen the solidarity of its members; on the other hand, it was burdened with corresponding obligations. In each town the merchants formed a close corporation,² sharing mutual responsibilities and common liability; in particular they were held responsible for debts contracted by any of their fellowship in the way of his trade. Early in the twelfth century the city of London secured the right to distress on the fellow-townsmen of defaulting debtors³. Gradually the privilege of "withamura" was extended to other towns⁴; but it was always conferred by charter, an institution that strictly it was an exceptional and not a normal part of the ordinary municipal franchise. In any case it clearly became the general practice, and most towns probably had recourse to it either in virtue of a charter or by usurpation. It has been supposed that the system of reprisals originated in the idea that a community was under a certain liability or guarantee for the debts of traders who belonged to it⁵. But it appears more likely that the practice gained ground as the only possible method of imposing upon the debtors' court elementary notions of right and wrong, and its duty to deal justice to the stranger. This is shown by a passage in the Leicester customal, where it is distinctly stated that they were "wont to distress neighbour for neighbour" in order "to produce" the debtor⁶. In this respect the system of intermunicipal reprisals is analogous to that of modern international reprisals⁷, and the individual who

¹ *Summa Roll*, *Rich.; *Wm. Salt*, *Assizes*, Ser. vi, part i, 122.*

² Cf. *Form. lib. magis*, c. 63, 14; "quod omnes tali defensionem afficeret, ut de sua corporis, et civitatis." *Richmann's Gloss.* i, 299.

³ *Feudal*: *Chartes of Liberties*, c. *Charter Roll* i, 191 (Windsor); *Gifford, Documents of England, 100-1200*, no. 129 (Droghda). See also *Sturges Customal*, i, 100 for other examples.

⁴ *Walsingham's Cambridge Borough Charter*, p. 100.

⁵ *Records of Leicester*, i, 165.

⁷ *Grotius, De iure belli ac pacis*, lib. ii, c. 20, § 1.

was made to answer for the default of a fellow-burgess would bring pressure to bear upon the recalcitrant debtor to ensure that the debt were discharged and his own losses refunded. The procedure ordinarily adopted was for the authorities of the town, to which the creditor belonged, to approach the debtor's court with a request for the payment of the debt.¹ If justice were not done, they proceeded after repeated warnings to take action by seizing the goods of any trader of the offending community who resorted to their midst.

The custom by which the wayfarer passing through a town could be called to account for the acts of others was not only extremely injurious, but also restricted the freedom of commercial intercourse. This is shown by the complaint of the men of Hereford that, owing to "frequent wrongful arrests for debt" in Wales, "they are compelled to cease passing through Wales for the practicing their occupation of merchandize".² It rendered merchants exposed at any moment to the dangers of arbitrary arrest or seizure of their goods for debts of which they were neither pledges nor sureties, and active steps were therefore taken to obtain immunity from wrongful distress. In some towns the burgesses made the payment of the stranger's debt a communal liability, meeting it out of the common funds, and afterwards recovering it with interest from the debtor or taking his house into their hands.³ In others the citizens endeavoured to protect themselves by compelling the debtor to repair the mischief which his fellow-burgesses had suffered from his default. At Yarmouth, if a debtor refused satisfaction to a neighbour distrained on his account, he "was cast out of the community"⁴, and at Leicester the bealifs were "to close his house with bolts and forbid him ingress"⁵. The men of Hereford held that a burgess ought not to bring trouble upon his fellow-citizens by failure to meet his obligations, and where he had neither real nor personal

¹ *Statute Cal. of Letters patent*.

² *Med. Hist. Comm.* 12th May 1399, no. 10, 11y. Two complaints to the Hereford Bealifs against the practice, no. 12, 13 (Acct. J. Mayors, Hereford Arch. Collections) (1394), 21, and J. P. Tuckwell, *Feudal History of Yorkshire* (1896), p. 400, pp. 40.

³ *Ibid.* i. 117.

⁴ *Yarmouth Customs*, i. 106-107.

⁵ *Records of Leicester*, i. 112.

property to discharge his liabilities, they reflected the penalty of imprisonment: "for we say that all of us are bound to love one another and in all things to correct each other by good means, and in no wise should we create or drive any to suffer mischief".¹ But in the main towns sought to secure by charter protection from reprisals in other towns. Bristol (1188), Dublin (1194), Barnstaple (1206), Marlborough (1210), and Winchester (1213), gained the concession that no burgess should be distrained for any debt unless he was himself the debtor or a vassal of the debtor.² At Dunwich (1205), on the other hand, the concession was modified: the burgesses were not to be distrained for any debt for which they were not sureties or principal debtors, unless their community had failed in doing justice.³ This conditional proviso was to be the keynote of Henry III's municipal policy. During the first forty years of his reign the towns to all appearance made no constitutional advance and failed to extend their immunities.⁴ In 1233, however, Henry accepted the crown of Sicily for his son, and, helplessly involved in continental entanglements, was driven to every possible fiscal device for raising supplies of money. The king's extremity proved the opportunity of the municipalities, and on this ground we may doubtless explain the appearance of a large number of borough charters at this particular juncture. In 1233 Norwich, Nottingham, Northampton, Lincoln and Lynn, in 1236 York, Scarborough, Hereford, Shrewsbury, Southampton, Cambridge, Canterbury and Bridgnorth, in 1239 Oxford, Stamford and Guildford, in 1243 Bedford, in 1246 Berwick, and in 1249 Worcester, secured the partial immunity from distraint which Dunwich had acquired half a century earlier.⁵ The burgesses were

¹ *Borough Charters*, i, 219. For *Grangy*, cf. *Chartes Rolls* I, 19.

² *Rolls of Borough Charters*, 174-181; *Glossary*, *Documents of England* 22. On the subject of immunities see *infra*, p. 287.

³ *Rolls of Borough Charters*, 182.

⁴ Winchester, however, secured complete immunity in 1220: *Chartes Rolls* 2, 121.

⁵ *Ibid.* vol. i, 120 (London), 125 (Northampton), 125 (Leam), 127 (Norwich), 128 (Nottingham), 128 (Guildford), 128 (Dorset), 129 (Warrington), 129 vol. II, 24 (Bedford), 30 (Berwick), 41 (Worcester), 129 vol. III, 120 (York), 120 (Scarborough), 120 (Hereford), 126 (Shrewsbury), 126 (Bridgnorth). E. W. Hylton, *Development of Municipalities* (1911), i, 207.

not to be arrested for any debt of which they were neither executor nor principal debtor, unless the debtors of their community were solvent and their court had made default in justice to the creditors. About the same time also, and a few years later, the privilege was extended at the instance of the king's brother Richard, king of the Romans, to alien merchants of certain foreign towns with the same conditional proviso limiting its operation. The traders of St. Omer, Caen, Orléans, Douai and Liège, among others, were exempted from arrest, "unless perchance the debtors themselves be of their community and jurisdiction having the wherewithal to pay their debts"¹. Only in the closing years of Henry's reign, under the influence of Prince Edward², did a more enlightened municipal policy begin to prevail. In 1281 Northampton, and in 1282 Nottingham and Beverley³, secured a confirmation of their charters with the proviso inserted: the burgesses of Nottingham "shall have for ever throughout our whole land and jurisdiction this liberty, to wit, that they and their goods found in whatsoever place in our jurisdiction shall not be arrested for any debt of which they are not the pledges or principal debtors"⁴.

Under Edward I commercial practice underwent considerable modification, and the procedure for the recovery of debts entered on a fresh stage of its history. The first Statute of Westminster (1275) provided "that in no city, borough, town, market, or fair, there be no foreign person which is of the realm distrained for any debt whosoever he is not debtor or pledge"⁵. This clause also appears

*Commence-
ment
introduced
by Edward
Ist.*

Northampton: R. W. Gifford, *Charters of Northampton* (1897), I & 2; Cambridge: *Cambridge Borough Charters*, 13; Canterbury: *Mss. MSS. Canon*, 274; *Reg. Cant.*, 1399, 1400, 1401. But Leicester did not gain this partial immunity till 1286. *Records of Leicester* I, 36.

¹ *Chartes Roll* I, 421 (*Ch. Canon*, 1259, c. 12; *Caen*, 1258, 20; *Chartes* 1259, 22; *Amiens*, 1260, 121; *Amiens*, 1260; *Douai* 1260; *Liège Roll* II, 121; *Liège* 1260; *Liège Roll* 1260-1272, p. 22).

² The process had been granted by Edward to his charter to Caen (1267): *Caen Roll*, I, 36.

³ *Records of Northampton*, c. 30; *Records of Nottingham*, I, 32; *Chartes Roll* 22, 128; *Beverley*. The proviso was inserted in the case of La Rochelle (1282) in 1282: *not in 1282*.

⁴ For an Englishman not a freeman of the town: *Statute* I, 33. The statement that "the Statute of Westminster merely expressed what had become the rule of all the greater boroughs" (*Quinn*, *Borough Charters*,

in the statutes of the North Welsh boroughs¹, and it was followed in 1283 by the Statute of Aston Burrell which instituted a new system. The preamble states that "merchants, which hereunto have lent their goods to driven persons, be greatly impoverished because there is no speedy law provided for them to have recovery of their debts at the day of payment assigned, and by reason hereof many merchants do refuse to come into the realm with their merchandise, to the damage as well of the merchants as of the whole realm". Accordingly, it was ordered that an official record of all debts should be kept in London, York and Bristol, and after the day of payment had expired, the personal property of the debtor should be distrained upon by the mayor, while in default of effects the debtor was to be imprisoned until the debt was paid². The contemporary author of the *Mirror of Justice* condemned this innovation of imprisonment for debt as a violation of Magna Carta³. A subsequent enactment (the Statute of Merchants, 1293) amended the previous statutes in two directions: debts could now be enrolled before the authorities of any town, and immovable as well as movable property became liable to distraint⁴. In 1325 the number of towns was limited to twelve⁵.

The famous Statute of Westminster appears, as we have seen, to condemn in set terms the old borough system of distraints. Contemporary writers interpreted it in this light⁶, and Coke, after recounting the evils of the older practice, adds "which customs are taken away by this statute"⁷. None the less we are impelled to the conclusion that either the statute does not mean what it is commonly held to imply, or that it remained largely a dead letter. It is entirely inconsistent, for instance, with

Confront
with
borough
statutes.

it is not possible to see that the principle enjoyed by some of the greater boroughs under Henry III was incomplete. In 1219 the Statute of Westminster was extended to some merchants' guilds¹ & 1220. But the Statute had already limited this privilege in 1217 (Charter Rolls ii 37).

¹ Lewis, *Strength of Institutions*, 124. For examples, see Charter Rolls i 240, 261, 262. ² Statute, i 33. ³ *The Mirror of Justice*, 179, 180.

⁴ Statute, i 36.

⁵ *Ibid.* i 185.

⁶ *Ibid.* i 185, 186.

⁷ Coke, *Second Part of the Institutes*, 204.

the letters patent granted in 1313 to Rochester in Yorkshire "for the improvement of the town", that for four years no inhabitant shall be distrained for debt whereof he is not the principal debtor or surety. In 1313 Lynn received a similar grant for seven years, which was renewed in 1341 for ten years; and Great Yarmouth (1341), Hull (1341), and Newcastle (1342) are further examples.¹ These grants seem to indicate that the Statute of Westminster had failed in its purpose, and that the old borough rights still held ground. It is easy in fact to exaggerate the importance of statute law, and we have a significant reminder of the attitude of the boroughs towards parliamentary enactments in the contention advanced in a fifteenth-century customal: "New statutes do not alter the free customs of the said town".² Where the Statute of Westminster was carried into operation, it was rather by virtue of its incorporation as part and parcel of the town customal, as at Leicester in 1299.³ In this connection it is important that when parliament petitioned in 1350 for the enforcement of Edward's statute in Cheshire and Wales, the king refused the request.⁴ Indeed, there is evidence that in the west of England at any rate the earlier commercial usages survived to a late period. The border counties sent up a complaint to parliament in 1376 that their traders were arrested for debts other than their own,⁵ and in 1398 Shrewsbury was given leave to make reprisals in cases of unfair distress.⁶ Bedford (1394)

¹ (1) Rochester. *Patent Rolls* 1313-1315, p. 101. (2) Lynn, ibid. 1313-1315, p. 582, ibid. 1341-1343, p. 108. (3) Newcastle-upon-Tyne; ibid. 1341-1343, p. 107 (a grant for ten years). (4) Yarmouth, ibid. 1341-1343, p. 34 (for six years). (5) Hull. *Records, Charter of King's Lynn* 1341, 28. In 1368 Hugh le Desp'ear made a similar grant to Cheshire; *Statute Journal* 1368, 302.

² *Borough Customals* 1: 118 (Bedford, referring to the law of debts). Cf. the attitude of the choristers (Walsingham, vol. ii, 48) on the effectiveness of medieval legislation: "and good parson saith: Further statutes, that pounen against custom, wottemore effeccion? But howe can Forseye Canons statutes vel statutes vel duties wottem, upon in Parliament shuld beill now upon new statute, wottemore, not as yow wottemore distourbed?" Walsingham here makes the law the exception, but there were deeper causes at work. Borough custom was no less immune than medieval systems (compare, e.g., *London-records* in *Twelfth-Century Studies*) and national law did not easily overcome local law.

³ *Records of Leicester*, i. 210.

⁴ *Ibid.* Part II, 1295.

⁵ *Ibid.* 3, 1378.

⁶ *1298 MSS. Comm.* 12th May 1298, n. 1.

secured a similar concession¹, but even in the fifteenth century² it was still struggling to protect its traders from distrust in other towns, as though the act of 1255 was either ignored or completely forgotten.

*Regulation
of Trade*

II. An important department of town-administration dealt with the strict regulation of trade, and a stringent control over all buying and selling became everywhere the normal feature of municipal activity. The mediæval burghers were not convinced that man's self-love is God's providence, or that the economic interests of the individual and society necessarily and invariably coincide. They perceived that a collision of interests frequently arose, and, acting on the assumption that the welfare of the community constituted the primary purpose of commercial dealing, they did not hesitate to impose restrictions which in our own day would be condemned as harmful or futile. Their ordinances were often narrow, and sometimes defeated the objects they had in view, yet they were framed as a rule with the intelligible purpose of protecting the consumer as far as possible from the greed and fraud of unscrupulous dealers. The varied character of these ordinances can best be illustrated by concentrating attention on the following points: the making of bread and ale, and regulations affecting wholesale and retail trading. The making of bread and ale established a sliding scale, which regulated the weight of bread according to the price of wheat, and the price of ale according to the price of wheat, barley and oats. At Beverley the keepers of the scales elected three of their number to supervise the market for the year³, and at Southampton the scales were ordered once a month or at least four times a year to "be well kept in all points according to the price of corn"⁴. In London proclamation was made that every brewer or "bromster" should sell the gallon of best ale for three halfpence, and the gallon of inferior ale for one penny, and no more, "and that they make and brew as good ale or better, as they were wont"⁵. The diffe-

¹ *Ibid.* 1256 Reg. App. 20-21.

² See the citation from the *Book of Councils*, supra, p. 161. The date is 1416.

³ *Monastery Town Documents*, 41.

⁴ *Club Book of Southampton* i. 21. ⁵ *History, Labor Affairs*, i. 125.

evidently of keeping the nation may be gathered from the fact that in 1209 London contained more than 1200 bakers¹, while at Chester 221 bakers were listed in a single session.² But the session were not merely a matter of local concern, for the central government early insisted on the uniformity of prices and measures throughout the nation. The constant travels of the king and his nobility from estate to estate serve to explain the active steps taken by them to curtail the opportunities of deceit, readily afforded by the dissimilarity of local customs. The earliest enactments applying uniformly to the whole country dealt with the ordering of the session, and it was here that national legislation first came to supersede or at any rate to supplement municipal regulation. In 1200, according to Matthew Paris, the king caused general proclamation to be made that the legal value of bread should be invariably kept under penalty³, and a statute ascribed to the reign of Henry III. (1250) fixed the price of ale and the weight of the herring loaf of bread.⁴ But while these enactments emanated from the central government, they were enforced in the ordinary local courts.

Fairness of the miller, the baker and the brewer was deeply engrained in the hearts of the medieval burgesses. They were convinced that every miller stole meal and oats, that bakers gave false weight and took excessive charges for baking bread, and that brewers adulterated their ale and dealt short measures.⁵ It is difficult to determine how much truth there was in these accusations, and how far the stringency of the regulations based upon provision dealers as inevitable recourse to evasion and fraud. Municipal ordinances must frequently have lagged behind the constant alterations in the market supplies, and the consumer was probably unable or unwilling to distinguish between a natural and an artificial scarcity. However this may be, the unpopularity of those who dealt in victuals is undoubted. The old Bristol chronicle, for example, printed Edward I.

These
early
enactments

¹ *Letter Book B. p. 122.*

² *Wills, Chancery, 230.*

³ *M. Paris, Chronica Majora, ii. 416.*

⁴ *Statute, i. 100.*

⁵ *Milton: "steal meal and oats"; and bakers "take weight, breed other the worse"; cf. Chronicle of London, ed. Henry Johnson, 17: "Bakers take excess." Records of London, i. 127.*

that he "released many merchants and especially the false dealing of bakers and sellers."¹ The occupation of brewing and selling ale was mainly in the hands of women, and a familiar figure in the Middle Ages was the housewife alone, charged with a multitude of offences—breaking the trade of ale, buying corn before it came to the market and weaving the goods of strangers as her own.² In the Chester Cycle the peasant of the *Harrowing of Hell* was entrusted to Cooks, Tapers, Hides and Lincolners, and the wall of the ale-wife sheds light upon her misdeeds.

"Some tyme I was a taverner,
A gouth group and a tapster,
Of wine and ale a trusty brewer,
Which was both me wrought.
Of caws I kept no true measure,
My cups I sold at my pleasure,
Deceyving many a creature.
Though my ale were naught . . .
Therefore this place ordained is
For such ill-doers so much unho,
Here shall they have their joy and bliss."³

Heavy penalties were occasionally inflicted on offenders who broke the rules of provisions. According to Domesday, any man or woman at Chester who gave false measure, or brewed adulterated ale, paid a penalty of four shillings or was placed in the "cucking-stool."⁴ Sometimes criminal bakers were drawn upon hurdles through the streets of the town with the delictive loaf hanging round their necks,⁵ and otherwise punished as is practised in like manner with regard to sack bakers in our city of London.⁶ The seller of unadulterated wine was compelled to drink a draught of the wine which he sold, while the remainder was then poured over his head,⁷ a poetic form of justice. All fairs and markets

¹ *Alcock's Chronicle of Bristol* 107. See also *A Chronicle of London*, ed. 1471: 171.

² *Medina, Last Jurisdiction in Warwick*, 30.

³ *Medina, Chester* 314.

⁴ *Henry II. for Henry*, i. 101; *Tracts Bristol and Gloucester*, 101. In 1012 (Medina, *Chron.*, 1327).

⁵ *Domesday Book*, i. 216 b.

⁶ *Henry II. for Henry*, 101.

⁷ *Henry II. for Henry*, 101.

were required to bake a pilkery and a symbol for corporal punishment, and where the lord substituted the milder but more profitable penalty of pecuniary assessment, he was liable to lose his franchise¹. We are inclined, however, to think that the elaborate system of punishments devised for breaches committed against the custom was in practice largely illusory. In 1289 the total assessments assessed for various offences at Norwich² amounted to over seventy-two pounds, while the money actually paid into the court was only seventeen pounds³; evidently it was one thing to levy fines and another to collect them. The baker also evaded the penalties of wrong-doing, according to the London chronicler, by letting the authorities to allow them to make deficient loaves at their pleasure a third or a quarter lighter in weight⁴. It is, therefore, not surprising to be told that at Coventry "the commons rose and threw loaves at the mayor's head in St. Mary's Hall, because the bakers kept not the custom, neither did the mayor punish them according to his office"⁵. To all appearance, moreover, the punishment of a victualler carried with it no stigma or dishonour. At Chester an alderman, William Ball, was fined for the sale of beer on holy days. The next year he was made mayor, and after his term of office was again fined for having sold beer on Sunday during his mayoralty⁶. Breaches of the custom were in fact the concomitant of medieval offences. Jurors constantly make presentments that all the alewives sell beer contrary to the custom, and that all the bakers have broken the custom of bread⁷. Indeed at Chester one offender was prosecuted continually for no less than twelve years⁸.

Medieval distrust of the victualiers deepened when they began to fill municipal offices, for then the custom was still more apt to be honoured in the breach than in the observance. To safeguard against illegal transgression of offices on the

Extract
from
medieval
records

¹ *Placita de Quo Franchise*, 120-121; *Palmer's Rolls*, 1261-1264, p. 274.

² *Medieval Court Jurisdiction in Norwich*, p. 24.

³ *De Antiqua Legibus Libet*, 126, cf. also *ibid.* 123, 142.

⁴ *St. D. Mancus* ("Lawrence's Recusant"), in *Eng. Hist. Review*, vi, 422.

⁵ *Medieval Chester*, 120 (206v).

⁶ *Medieval Court Jurisdiction in Norwich*, 2, 267-71; 30, 175, *ibid.*

⁷ *Medieval Chester*, 274.

part of the magistrates, the Statute of York (1318) enacted that no officer responsible for the maintenance of the realm should engage in the victualling trade during his term of authority, and steps were taken to prevent the act from becoming a dead letter¹. In 1318 the prohibition was renewed, but this time the statute was a mere device on the part of the non-victualling lords in London to exclude their enemies from office². But in spite of these measures and renewed complaints victuallers continued to hold civic offices³. Eventually in 1322 the statute of 1318 was repealed, and the reason alleged was that many "cities, boroughs, and towns corporate within this realm of England be fallen in decay and ruin, and not inhabited with merchants and men of such substance as they were at the time of making of the aforesaid statute." There were now "few or none other persons of substance" in towns beyond brewers, fish-mongers, victuallers and other victuallers. Accordingly they were allowed to hold office, but two officials "discreet and honest persons" were to assess the price of victuals⁴. This act appears to have been carried out, for in 1335 when a victualler was elected mayor of Coventry two men were appointed "to assist the mayor in fixing the price of victuals"⁵.

Regulation,
increasing
and
regulating.

The system of assizes and uniform weights and measures represented an attempt to set up a recognized standard of quantity and quality; at the same time it was considered necessary to adopt further means to protect the "poor commons" from extortion and "other corrupt practices against the common and merchant law"⁶. To the medieval mind it was intolerable that dealers and middlemen should manipulate supplies with the avowed object of forcing up prices, and market regulations were framed to interfere by

¹ *Statutes*, i. 191. A commission was appointed to inquire into offences against the act. *Parl. Roll*, 1317-1320, p. 60.

² *Statutes*, p. 48. It was prohibited for lay London (the *Port of London*) to whom the non-victuallers were so potent; see *ibid.* pp. 126-127.

³ *Roll. 1255*. *Comm. 27th Reg.* part 1, 499-504 (*Illustrations of the Feudal Collection*, i. 20 (Berwick, where in 1303 it was forbidden).

⁴ *Statutes*, iii. 37.

⁵ *Coventry Cart. Book*, m. 72b. But the prohibition against victuallers holding office is repeated at Oxford in 1335. *Oxford Records*, 132.

⁶ *Parl. Roll*, 1320-1327, p. 292.

fair competition, both adequate supplies and low prices. The series of medieval legislations were permeated by conceptions of a 'just price' that was fair alike to producers and consumers. They sought, in terms laid down in a municipal ordinance at Chester, to ensure the sale of "good and wholesome victual at reasonable prices"¹. Accordingly prices were often regulated by authority; at Coventry, for example, the mayor compiled a book of the price of victuals "and set it upon the south door of the minster"². At the same time repeated efforts were made to extirpate the kindred abuses of engrossing, forestalling and regrating³. Engrossers purchased corn while it was "standing in the field unthreshed and growing", or before it was threshed or brought to the market, and then kept it back till its value had risen. Forestallers bought up goods or victuals on their way to the market to get them more cheaply. Regrators purchased commodities in the market itself at advantage, and sold them again at higher prices. These offences violated medieval conceptions of commercial morality, and were the more dreaded since the narrow area from which supplies were drawn aggravated enormously the evils of a dearth or a "corner" in trade. The extent to which forestalling heightened prices may be gathered from complaints made at Norwich in 1375, that "Roger de Boughen to such an extent forestalled divers kinds of corn by himself and his servants in the market, and in the streets, lanes and gates of the city, that the price of one acre (four bushels) of wheat rose from forty-two pence to five shillings"⁴. Again in 1472 a commission was appointed to enquire into cases of forestalling, and at Beccles it found that one offender had bought sixty quarters of barley at forty pence the quarter and sold them at double the price⁵. Apart from the desire to avoid extortion, the activity of the magistrates was doubtless stimulated by the fact that forestalling involved loss of toll,

¹ *Statute of Chester*, c. 10.

² *Coventry Law Book*, B. 26 (1478). For other examples of municipal regulation of prices, *ibid.*, p. 129.

³ *Statute* (I. part 1, c. 12). See also *Chapman, Inquiry into Forestalling* (1890), p. 109; and *See Chastell, ibid.*, 109-111.

⁴ *Apulton, Last Jurisdiction in Norwich*, B. 2. *Verdicts* 75.

⁵ *Chapman, op. cit.* 121. For other cases, *ibid.* 120-121.

and was "to the great hindrance of the city revenues".¹ Among the municipal records of Bristol we find a vivid and unimpaired demonstration of forestalling in terms that are constantly reproduced in medieval documents.² The forestaller is described as "a marvellous oppressor of the poor and a public enemy of the whole community and country, who hastens to buy before others, grain, fish, herrings, or anything vendible whatsoever, coming by land or by water . . . making gain, oppressing his power and despising his richer neighbours, and who dares to sell more dearly what he so unjustly acquired. Who also hinders foreign merchants coming with their merchandise, offering to sell their goods for them, and suggesting to them that they could sell their goods more dearly than they were proposing to sell them, and so by fraudulent art or craft he misleads towns and country". The forestaller was forbidden to dwell in towns, and statute law was reinforced by charters³ and local regulations by which the burghs endeavoured to supervise and control the market. To prevent engrossing, we find ordinances that no victualler should conceal the provisions which he had to sell, and that no one should store any grain from one market to another to sell it at a higher price under penalty of forfeiting his stock.⁴ The orders of the Court of Admiralty made inquiry be made concerning merchants and seamen, who went out of the ports to meet ships laden with merchandise and bought up their cargoes wholesale.⁵ In London also forestalling was prohibited, and an ordinance against rogues forbade retail dealers to buy corn, fish, poultry, or victuals before markets, or "before the reputable men of the city have bought, under penalty of forfeiting the goods bought".⁶ In many other towns also, at York, Norwich, Bristol, Chichester, Southampton and Beverley⁷, no corn or grain was sold in the market-

¹ *Magna Charta*, 46, *Rotulum*, *Legis Jurisdictionis*, 2, 51.

² *Little Red Book of Bristol*, 1, 200. Similarly *Statuta*, 1, 123, etc. For laws against forestalling, see *Magnavox*, 47 and 51-52.

³ *Statuta*, *Chartae of London*, 40 (1282); *Rotulum*, *Littere Regis*, 47 (1282).

⁴ *Statuta*, *Municipium of London*, 312; *Little Red Book of Bristol*, 1, 200.

⁵ *Statuta*, *Statuta of the Admiralty*, 1, 71.

⁶ *Statuta*, *Statuta of the Admiralty*, 1, 71; *Little Red Book of Bristol*, 1, 200.

⁷ *Statuta*, *Statuta*, 123; *Statuta*, *Statuta of Norwich*, 1, 123; 124.

place until the market bell had rung and the officers had made their purchases: the forester was punished by the seizure of his stock, and, if a burgess, sometimes also with the loss of freedom and civic rights.¹ But the difficulty with which these evils were combated is shown by the remark of a seventeenth-century writer, that in his time "these monopolies began to return like the frogs of Egypt."² The fishermen, for example, avoided punishment by concealing their fish and exposing only one at a time for sale.³

It is not unlikely that the ordinances against corn speculation overstepped the limits of their legitimate application, and led to a shortage of supply by discouraging the qualities of prudence and foresight. In London it frequently became necessary for the municipal authorities to take steps to avert famine. In 1247 the king sent a letter to the Master-General of the Hanseatic Order, asking him to encourage the export of corn from Prussia into England.⁴ In 1249 there was extreme scarcity, and the common council of London sent abroad to buy corn for the inhabitants⁵; ten years later the mayor caused corn to be brought from Prussia.⁶ A merchant of Bristol bequeathed to the town a hundred marks to be employed in purchasing corn for the use of the town whenever a scarcity occurred⁷, and at Norwich wheat and other grain were brought for the city and sold in the market to the poor at reasonable prices.⁸ Indeed the pressure of circumstances forced upon the municipalities the recognition that, if engrossing and forestalling were prohibited to the individual, it was all the more incumbent upon them to restrict foreign and adopt precautionary measures by the institution of municipal granaries.⁹

*Manuscript
written*

Little Red Book of Bristol, i. 38, 39, 40; *Monks' Chronicle*, 100, 101; (p.) *Devon. Archaeology*, 1, 23; (p.) *Quarterly Town Documents*, 21.

¹ *Records of Nottingham*, i. 102 (procl. Richard), *ibid.*, 172 (procl. Henry III.).

² *Parish, Ancient Customs of East and Westmoreland, East Yorkshire*, 114.

³ *Records of Devon*, 100.

⁴ *Little Red Book*, i. 174.

⁵ *ibid.*, ii. 50.

⁶ *Monks' Chronicle* (ed. Kingford), i. 109.

⁷ *Little Red Book of Bristol*, i. 174 (1250).

⁸ *Records of Norwich*, ii. 106 (1250).

⁹ On municipal granaries, etc., see Ashby, *Economic History*, ii. 21-22, and Leach, *Legal Cases on the Star Chamber*, vol. ii. 121-122.

III. Attention has been drawn to a marked characteristic of English medieval towns, the cohesion, self-dependency and jealous isolation of the various municipal units. Nowhere is this characteristic more apparent than in the relations of the borough communities with one another. They advanced claims for the redress of their wrongs, or made threats of reprisals, after the fashion of independent city-states armed with active powers of coercion and aggression. One illustration will serve as typical of the rest. A letter was addressed by the mayor of London in 1352 to the town of Sandwich, stating that three letters had already been sent desiring redress for an injury done to a London citizen, but without avail. They were again admonished to make satisfaction since so further delay of justice could be tolerated, the complainant having already claimed "withernam" of the men of Sandwich coming to London with their goods, "which they could not refuse according to the liberties and customs of the city"¹. English towns in fact carried on their dealings with each other exactly in the same way as with foreign towns. Letters to towns abroad are identical in style and contents with those directed to towns in England. A letter sent to Danzig, requesting payment of a debt due to a citizen of London, is similar to a letter sent for a like purpose to the town of Colchester². Commercial relations were not international but inter-municipal, and each town presented to its neighbours the same impenetrable front which modern nations nowadays exhibit towards one another. The growing practice of commercial treaties between towns was the natural outcome of a condition of society in which borough development had outstripped national development, and in which the ascendancy of the towns dominated the movements of economic life. When disputes over tolls arose, treaties were a convenient method of settling controversy. In 1265 the citizens of Winchester and the burgesses of Southampton agreed to a

¹ *Shoys, Col. of Letters*, 15. At the end of the fourteenth century letters were toll were paid being exchanged between municipalities. *Journal, Chartres of the Counts*, 27.

² *Shoys, Col. of Letters*, I, 4, 14, 16, 38.

composition that neither should exact toll from the other.¹ In 1179 a similar arrangement was made between Nottingham and Derby², in 1204 between London and Winchester³, in 1209 between Salisbury and Southampton⁴, in 1250 between Nottingham and Coventry⁵, and in 1269 between Cambridge and Lynn⁶. There was also direct intercourse between towns in England and on the continent; the citizens of Antwerp, Corbeil and Nîmes were admitted to special privileges in London and Norwich⁷ as a result of commercial treaties, and London also entered into a commercial treaty with Bayonne (1442)⁸. This intercourse was carried on directly, and not through the medium of the central government.

In certain directions, however, it is possible to trace from an early date the spread of a uniform economic system and the gradual concentration of national activities in the state. When a town received a charter of enfranchisement it usually adopted the customs of some other town, London, Winchester, Oxford, Bristol or Bristol, which served as a model for the rest. The charter of the merchant gild at Oxford gave it "all the customs, franchises and laws which belong to the citizens of London"⁹, and towns frequently made application to the mother town for information respecting its customs and legal procedure¹⁰. This affiliation of boroughs did not invest the parent borough with any rights of political interference or control over the affairs of the daughter towns. Their relations were analogous to those of a Greek city-state and its colonies, which cherished the sacred fire taken

¹ Green, *Old London*, II, 196.

² *Records of Nottingham*, I, 22.

³ *Letter Book E*, 150.

⁴ *Chanc. Rec. of Souths. 1209*, II, 21.

⁵ *Records of Nottingham*, II, 362.

⁶ *Just. M22. Chron.*, 1108 Reg. App. in, 146.

⁷ *Papal*, p. 230.

⁸ *Letter Book E*, 200-201. Cf. letters sent abroad to foreign towns complaining of abuses of the traffic in woolen cloth, *ibid.* I, 299.

⁹ *History of London*, I, 401; *Colchester (Richard III. Sec.)*, II, 20; 42. Henry III. gave Statute the customs and liberties of Bristol to 1216; *London, Great Charter*, 2. Freedom reserved "all the liberties and free customs which I have granted to my burghs of Herefordshire and Lynn"; *ibid.*, *Memorandum of the Privy Council*, 5. On the affiliation of boroughs, see Green, *Old London*, I, App. B.

¹⁰ Application of Oxford to London, *Chart. of Letters*, in, and next note. Application of London to Hereford, *Journal British Archaeol. Assoc.* 1866, 400.

from the heart of the mother state to sustain them of their common origin, but none the less retained complete independence in the management of their domestic concerns. In England the sacred fire that passed from town to town was the knowledge of law and the ordered liberty that springs from law. The charter granted to Oxford, for example, laid down that "if there be any doubt or dispute of any judgment that they ought to make, they shall send their messengers to London, and what the Londoners shall decide, they shall approve"¹. Again, Bedford when in difficulties was to apply to Oxford, and "what the citizens of Oxford shall adjudge, that they shall hold and do without doubt"². The importance of affiliation lies in the fact that it facilitated the growth of a national economy by chartering the towns together in well-defined groups, each of which followed similar customs and were bound together in a community of economic life. It was thus a single step to assimilate municipal practices to a uniform standard and consolidate the different groups into one compact whole.

The mediæval town thus formed a complete economic whole, in which the interests of the stranger and the general control of economic life were consciously subordinated to the well-being of a select number of burghers or guildmen. The guild system undoubtedly fostered a spirit of jealous exclusiveness. The aims of municipal policy were frankly and avowedly selfish, and they were inspired by an energetic determination to assert the supremacy of the townsmen over all who stood outside their own privileged circle. It was mentioned whether the stranger within their gates was an Englishman from a neighbouring town or a foreigner from beyond the sea. He was in either case subjected to disabilities, embodying principles which have long disappeared from modern life. On this account the merchant guild has been severely condemned for its narrow range of vision, for a policy which placed the municipality before the state, and the burgher before the Englishman. But it is

¹ *Charters of the City of London*, 2, 37. Two sentences are omitted of the mayor of Oxford, concerning London: (a.) reserving the rights of a baron; (b.) providing for pleas of land. *Charters of the City of London*, 2, p. 30.

² *Charters of the City of London*, 2, 38.

only fair to remark that the monopoly which the guild asserted so jealously and guarded so vigorously was won at a heavy sacrifice, and was only maintained by an unceasing care. To all appearance, moreover, they freely extended their privileges to those who were willing to bear the financial burdens by which their franchises were maintained, "supporting at all times all the due and customary burdens within the aforesaid town"¹. If the struggle for freedom bred within the townsman a spirit of monopoly and hardness of temperament, it was not perhaps without compensation in the eager, active existence in which citizenship carried with it real responsibilities and duties. Among the burghers at any rate there seems to have been a genuine sense of solidarity, a co-operation of social and economic forces for the common welfare, which made the English burough of the Middle Ages a richhouse of political ideas and a valuable school for political training. It paved the way for the day when the municipality would be merged into the state and the burghers into the nation. Whether the fruits which it achieved could not have been produced under a system affording more scope for independent enterprise and more latitude for individual initiative, is a question which hardly falls within the province of the historian to determine.

It is more important to decide how far the system of commercial monopoly must be condemned on economic grounds. The eminent historian of the gold merchant holds that the rigid protection of the older chartered boroughs stunted their commercial prosperity, and was among the potent factors that in the fifteenth and sixteenth centuries brought about a great revolution in English municipal history—the widespread decay of once powerful boroughs². No one will lightly dissent from these views; yet it would scarcely be safe to attribute undue influence to any one factor, and every instance of the alleged decay of towns must be dealt with on its own merits. In the first place, the monopoly of the towns largely tended in practice to be more apparent than real, for the holding of markets and fairs,

¹ *Letters and Documents of Bristol*, i. 140.

² *Green, Gold Merchant*, i. 120.

often protracted over the greater part of the year¹, must have afforded ample opportunities for the restricted needs of medieval commerce, while the great mass of traders could claim freedom of traffic by virtue of charters or customary treaties². Again the trend of the cloth trade away from the old corporate towns to new industrial centres, while partly prompted by the desire to evade control and escape financial obligations, was ultimately due to the rapid expansion of the woollen manufactures³. Other factors have also to be taken into consideration: the heavy burden of taxation and the *levies* levied, the oppressive character of craft ordinances, changes in the localisation of the staple, the transformation of trade routes, and the succession of epidemics and fires⁴. Moreover, many towns were extremely slow in recovering from the Black Death, which dealt a severe blow at their prosperity, and from the Hundred Years' War, which diverted the energies of the nation into unproductive channels and drained the country of its economic resources.

¹ *Supra*, p. 268.

² *Supra*, p. 426.

³ *Supra*, pp. 124, 115.

⁴ Cf. Horwich, *supra*, p. 423.

CHAPTER VIII

CRAFT GILDS

THE fundamental and perennial interest of the medieval ^{significance of the} craft gild lies in the fact that they represent a vital stage in economic evolution, and enable us to discern how industrial problems were handled and solved in the Middle Ages. These problems, it must be acknowledged, differ widely from our own, which are at once more complex and involve larger areas. But in the effort to provide a fair remuneration for the worker and to reconcile the conflicting claims of producer and consumer, were developed principles of industrial control and conceptions of wages and prices to which we may perhaps one day again return. The craft gild comprised three classes of members—the masters, the journeymen and the apprentices. We shall deal first with the institution of apprenticeship as the most typical and instructive feature of the gild system.

The object of apprenticeship is defined in an Elizabethan state document: "Until a man grow unto the age of twenty-three years" he has not "gotten unto the full knowledge of the art that he professed". It was a system of technical training, by which the craftsman was initiated into the secrets of his craft and rendered qualified to carry on his calling. The terms of apprenticeship varied from place to place, but there was everywhere an underlying similarity of ideas and purpose. It was essentially a contractual relation involving mutual obligations on the part of master and apprentice alike. The master was required to provide bed and board and technical training,

"and whatever is needful for an apprentice"¹ sometimes also a small salary"² sometimes even his schooling"³ and a knowledge of languages.⁴ In an indenture drawn up at Leicester in 1557 the apprentice was to receive eightpence a year, and in the eighth year receive a week's moreover; he was "to be kept as a apprentice should be, that is to say, meat and drink, hose and shoes, lincen, woollen and his craft to be taught him, and nothing hid from him thereof"⁵. If the master neglected to fulfil these duties the apprentice was at liberty to withdraw from his service. Among the Coppers of Coventry, whenever an apprentice complained that he had not "his sufficient finding according to the customs of this city", the wardens of the guild were to admonish the offender, and if necessary could place the apprentice with some other master. They were also "once in the year to go through the whole city to every man's house of the craft, and by their registers to call for every apprentice before them to know how the contributions be kept", that is, they were every year "to examine practices"⁶. At Exeter in 1568 a master was charged with refusing to "instruct and set forth [his apprentice] in such sort as he is bound to do", and the apprentice was therefore set free from his employment⁷. The master was expected to regulate the spend of the apprentice⁸, and was also responsible for his "good demeanour and bearing"⁹. At Dublin and

¹ First Memorandum Book, i. 2812, indenture of apprenticeship among the Broom (1557). For an early indenture (1487) see *Records of Warwick*, i. 145.

² *Records of Oxford*, ii. the apprentice was to receive and for his salary did not, as the expenditure of his term (1512).

³ A boy of fourteen was apprenticed for twelve years to a haberdasher, and the master was to provide him with two years' schooling in grammar and writing (1468). S. F. Salzman, *English Indentures of the Middle Ages* (1948), 137.

⁴ First County Court Records, i. 248: a weaver of Taunton undertook "instruction in the language of Brittany" as part of the agreement.

⁵ *Records of Coventry*, iii. 26. ⁶ *Coventry Court Book*, iii. 102, 583 (1560).

⁷ W. Cotton, *An Illustration Drawn of the City of Exeter* (1572), 127.

⁸ At Norwich the wardens passed an ordinance in 1538 regulating their apprentices' apparel. *Norwich's Medieval Administration*, i. 20. For the apparel worn by an apprentice (group Ed. IV), see *Times Herald* (First Ser. N.S.) 200, 275.

⁹ In the indentures of the Bury weavers (1477) it is laid down that a master is responsible for those whom he employs. *Med., ECCL. Conv.* 14th Sep. App. nos. 122.

Waterford every citizen had to answer for his apprentice's wrong doing by day and by night "as he would for his son if he were of age, that is to say, if he can count twelve pence, as is the law of citizens and burgesses"¹. Besides the supervision of character and conduct, the master bore responsibility "for the good and sufficient workmanship" of the work wrought by his apprentices. To lend authority to his position he was allowed to chastise the refractory apprentice within due measure; in an indictment of 1448 an apprentice of Ipswich bound himself to learn the art of a barber, while his master agreed to give instruction and "suitable clothing, shoeing, board, bedding and chastisement"². At Worcester any one could correct his servant or apprentice "according to the law"³. What exactly this meant we may learn from Exeter, where a master unlawfully chastised his servant "in bruising of his arm and broken his head". The wardens ordered that the master should pay the doctor's bill, the servant's board and heavy amends, as well as a fine to the gild "for his misbehaving against the craft"⁴. Again, the apprentice of a London barber complained against his master for not "well-using him or beating him"⁵. On the part of the apprentice, to his share of the covenant, were demanded obedience, self-control and fidelity to his master's section; he was expected to protect his master from loss, not to steal his master's goods "not by sleight in the year"⁶, and not to frequent wars or gaming-houses⁷. "He must not", says Sir Thomas Smith, "be loth of his master's doom,

¹ Dublin: Gilbert, *Devenement of Ireland*, 1495. Waterford: Borough Customs, I, 100 (c. 1305). An Ipswich point of age was determined by the ability to measure cloth and count money. *Ipswich, Ipswich*, 20.

² *Med. MSS. Comm.*, 9th Reg. part 1, App. 222. *Windsor Records of Leicester* II, 37 (1342).

³ Smith, *English Guilds*, 320 (1471). In an indictment of 1492 the master was to instruct the apprentice before made *indispendit*, or *non aliter*. *London Journal*, 1000, 104.

⁴ Smith, *English Guilds*, 320 (1471).
⁵ A. Young, *Records of the Barber-Surgeons of London*, 1804, p. 285 (1372). There are many entries of floggings and chastisement: *ibid.* *etc.* For other complaints of master and apprentice, showing that the apprentice was not unprotected, see *Remonstrance Merchant Adventurers*, 1, 102-103.

⁶ *Records of Leicester*, 10, 19.

⁷ An ordinance of 1301 forbade the apprentice to frequent wars (betwixt) or gaming-places (*tabes*, *also* *etc.*). *London Journal* 1000, 104. Cf. also *Cardinal's Journals*, 220-26, 1026: purport against attendance at plays.

he must not occupy any stock of his own, nor marry without his master's licence¹, and he must do all service offices about the house and be obedient to all his master's commands, and shall suffer such correction as his master shall think meet"². This control of the apprentices was far from being an easy obligation, and the management of unruly youths frequently taxed the resources of the gild to the utmost. Riots were common, especially among London apprentices; and in 1590 after many had been killed in a disturbance the livery wrote to the parents and masters to check assemblies and gatherings³. At Newcastle the officers of the gild recorded their disapproval that apprentices were become not only "haughty minded, high stomached and waston conditioned" to others, "but also less obedient and serviceable to their masters, not knowing their duty to their superiors"; subsequently the complaints were renewed as to "the abuses and enormities reigning in our apprentices at these days"⁴. It would be erroneous, however, to regard the institution of apprenticeship as simply a system of technical training, for above all it was a system of social training. It was intended to fashion not only good craftsmen, inspired with loyalty to their city, but good citizens willing to give active service on its behalf when summoned to the field or the council chamber. The bond between master and apprentice was of the closest description; the master stood in loco parentis to the apprentice, who lived in his house, sat at his board and associated with him in the workshop and the home on terms of the most personal intimacy. Apprenticeship became an integral element in the constitution of the craft gild, because in no other way was it possible to ensure the permanency of practice and the continuity of tradition, by which alone

¹ This is illustrated by an induction at Norwich in 1595: "if the apprentice thowest without his master's permission, his term was to be decided." *Records of Norwich*, II, 175. ² *On Apprenticeship* (London, 1896), 127.

³ *Chronicle of the City of London*, 1590, 42.

⁴ *Newcastle Merchant Adventures*, I, 8 (1594), 7 (1594). Probably the complaint was merely the usual lament of the livery against non-payment of the same time complaints were noted in London against apprentices wearing slippers, painted hose, etc.: *Chronicle of the City of London*, 1590, 42. The references to all city apprentices are likewise found in *Memorandum of the Livery*, 1590, 42.

the reputation of the gild for honorable dealing and sound workmanship could be earned on from generation to generation—or to ease up, as one gild expressed it, "honest and virtuous masters to succeed us in this worshipful fellowship for the maintenance of the feasts of merchandise"¹.

The length of apprenticeship varied—at first there was apparently no fixed period, and the traditions of many gilds simply state "that the servant or apprentice" was "to occupy the craft" until the masters of the society testified that he was "able and well-instructed"². But in London, at any rate, apprenticeship lasted from an early date for seven years, and the freeman was called upon to take oath that he would accept no apprentice for less than this period³. The custom of London gradually spread, until in 1363 it became the law of the land and was made compulsory throughout the country. Yet even before 1363 the period of seven years appears to have been generally recognized as the proper term in which the apprentice could acquire "sufficient cunning"⁴. Shorter or longer terms of apprenticeship are, however, common; among the Fullers of Northampton four years were held to be sufficient and among the Weavers six years, while the Linneners of London and the Merchant Adventurers of Newcastle lengthened the period to ten years⁵. So far as the Merchants of Newcastle were concerned, the attention was

Length of
apprenticeship
varied

¹ *Newcastle Merchant Adventurers*, i. 10.

² *Little Red Book of Bristol*, i. viii.

³ *Letter Book D*, 101; *St. Ebor. Minster*, 107 of justice.

⁴ (1) York: *Memorandum Book*, i. 121. (2) Norwich: *Records*, i. 103. (3) Coventry: *Law Book*, ii. 220. (4) Bristol: *Little Red Book*, ii. viii. (5) Lancaster: *Records*, iii. 29. (6) Northampton: *Gild Book*, i. 126. (7a) Chester: *Magna*, 125. (7b) Here: *Dist. 1502*, Comm. 14th Reg. App. viii 126. (8) Ipswich: *Dist. gild Reg.*, 3021: App. 155. (9) Worcester: *Smith: English Gilds*, 320. An apprenticeship of seven years' duration was also endorsed by statute in the case of the Sheriffs' chamberlain of wools (Statute, ii. 271: 1351) and all weavers of broad wools (after that by statute, 14th 1354).

⁵ (1) Northampton: *Records*, i. 107 (1361, 100 (14th). (2) London: *Linneners: Letter Correspondence*, i. 34 (1361). (3) Newcastle: *Merchant Adventurers*, i. 10 (13, 15). Examples of other terms of apprenticeship are: (4) 10 years (1360) *Salisbury, English Industries*, 150. (5) 6 years (1312) *Records of Lichfield*, 20. (6) 8 years' *Records of Northampton*, ii. 177—this was in 1304, after the Statute of Apprentices. (7) 4 years: *Records of Norwich*, ii. 213—this was in 1306. (8) 2 years: *Red Paper Book of Colchester*, 25 (13th Hen. VIII).

avowedly intended to limit their membership: "the number of this fellowship", they declared, "is so augmented and daily doeth increase" to "the utter destruction of the company". In the case of the Guilders of York we can trace the different stages in the lengthening of apprenticeship. In 1309 a term of four years only was exacted; more than a century later (1427) the period was extended to seven years¹. In all probability the motive which prompted the change was the desire to secure a more thorough training and more efficient workmanship. Apart from the length of apprenticeship, regulations were also laid down as to the age at which apprentices might be employed. At Norwich the Worsted Weavers were not allowed to receive apprentices under the age of fourteen; they were said to "have taken apprentices to the same craft of tender and young age, the which were not able to work in the said occupation"². A similar rule apparently prevailed among the Carpenters of London, though here the age at which apprentices were bound was commonly eighteen or nineteen³. In 1556 the authorities of London sought to deal with the problem in a somewhat different fashion; they allowed apprentices to be taken at any age, but insisted that they should not be less than twenty-four years old upon the expiry of their term. "Great poverty, paucity and lack of living hath of late years . . . increased within the city of London . . . by means of the over-busy marriages and over-soon setting up of households of and by the youth and young folks of the city, which hath commonly used, and yet do, to marry themselves as soon as ever they come out of their apprenticeship, be they never so young and unskilful"⁴. The same principle was established at Exeter⁵, though elsewhere boys of seven were sometimes apprenticed⁶. If children became apprenticed without their parents' knowledge their indentures could not be cancelled unless their masters were

¹ *York Memorabilia*, Book I, 131.

² *Records of Norwich*, 1926.

³ E. H. Jupp and W. W. French, *Carpenters' Company* (1881), 156. London apprentices under age were discharged by the mayor (*London Journal*, 1800).

⁴ *Records, History of the Incorporated Company* (1880), 71.

⁵ J. P. Foa, *The Guild of Weavers in Exeter* (1881), 170.

⁶ *Proceedings of the English Institute of Archaeology*, vol. 24, pt. 2, 180.

selling.¹ In certain cases a master was apparently permitted to pass on his apprentice to another master, though his power to "sell or alien" the term of an apprentice could only be exercised by the "advice and counsel" of the wardens.²

The number of apprentices which a master might employ developed in the fifteenth and sixteenth centuries into a subject of burning controversy. One or two towns, York in 1519³ and Coventry in 1524⁴, removed all restrictions and allowed every craftsman to take as many apprentices as he pleased. But the practice easily lent itself to abuse, and the Fishmongers of London ordered that none of their craft should receive more apprentices than they could support.⁵ Unfortunately it is often very difficult to interpret the evidence, and determine what were the real issues involved in the struggle of the gilds to limit the number of apprentices; yet upon this interpretation turns our whole conception of the later history of the craft gilds. The attempt to restrict the number of apprentices might spring from one of three motives, according as (1) the interests of the apprentices, (2) of the journeymen, or (3) of the masters, were kept in view; and the problem is to distinguish between these different factors in the situation. In the first place, we cannot condemn the gilds for ordering a master to take only as many apprentices "as his power may extend". This was the rule among the Weavers of Hull⁶, and the London gild of Founders advanced a similar pretext for refusing to allow more than two apprentices to be employed together at once. "Some person that hath had scarcely to find himself either work or meat or drink hath taken and used to take three or four apprentices, and them may neither teach nor feed [support], whereby good men's children of the country have been greatly deceived and this city scandalized". But very often journeymen

Number of
apprentices
taken.

¹ *Trans. Royal Hist. Soc. N. S.*, vol. 170 (1911).

² *London and Middlesex Archaeological Society*, vi, 32.

³ *Dublin Corporation*, 111.

⁴ *Leeds Book of Gilds*.

⁵ *Records, Letter Address*, i, 363.

⁶ J. M. Latham, *Five Thousand Years of Guild Life* (1898), p. 109 (quoting).

⁷ *Leeds Book of Gilds*, 102 (1420).

also wished to restrict the number of apprentices in order to increase their chances of employment, without which it was impossible to accumulate enough capital to set up as independent masters. In the settlement of a dispute in 1524 between the masters and journeymen of the Country Weavers, the former were allowed to have as many apprentices as they pleased without challenge, it would seem that the journeymen had tried to impose limitations, and that the arbitrators had decided in the masters' favour¹. On the other hand, the Weavers of Worcester were required to employ "one journeyman at the least" for every loom within the city or its suburbs². Again, among the Tailors of Exeter no master was allowed more than three servants and one apprentice "at the most" without licence of the company³. Here the proportion of journeymen to apprentices was fixed so as to protect the journeymen from the competition of cheap labour, and the principle was subsequently embodied in legislation. Thus the act of 1555 forbade weavers to employ more than two apprentices at a time⁴, and the Statute of Apprentices (1562) compelled every master in the cloth-making, tailoring and shoe-making industries who had three apprentices to employ a journeyman⁵. In the main, however, the decisive factor in the determination of gild policy was the interests not of the apprentices or journeymen, but of the masters. But the masters themselves were not united in their aims. At Coventry, as we have seen, they apparently desired to push their trade and draw freely upon an unlimited supply of labour. But more commonly they displayed a jealous reluctance to admit potential rivals into a share of the gild monopoly. The craft of Leather-stitchers in London (1616) made their members pay a fee for every one of their apprentices; and the reason comes out in their complaint that when apprentices had served their term, they refused to become servants to their masters "for reasonable wages as their masters did before them", but set up as masters on

¹ *Coventry Last Book*, i. 32.

² *Worcester, in App. p. 100* (1524). For the object of the legislation, see *supra*, p. 226.

³ *Statute*, in *App.*

⁴ *Statute*, in *App. p. 112*.

⁵ *Stat. in App. p. 112*.

their own.¹ Apart from their jealousy of the stranger who sought admission into their privileged ranks, the craft gilds did all in their power to prevent the growth of industrial capitalism among their own members.² They discouraged initiative on the part of the more enterprising craftsmen, who were ambitious to pass their competitors on the way and become large employers of labour. The underlying principle of the gild system was order rather than progress, stability rather than expansion; and the rule which limited the number of apprentices a master might employ was the counterpart of the rule which limited competition among the gild-brethren in other directions.³ But on the other hand, there was perhaps some truth in the defence that apprentices were becoming too numerous and overcrowding the gild to the detriment of all. In 1433 the craft of Cordians alleged "that nowadays there is so great abundance of apprentices in the said craft, that many freemen of the craft" were without employment and reduced to "become water-carriers and labourers, and some of them [have] gone home again to their own country, and gone to cart and plough and left this city for ever"⁴. The Pewterers in 1520 re-echoed the complaint that after serving their term, apprentices were compelled to take up some other occupation for a livelihood.⁵ Enough, perhaps, has been said to show the danger of facile generalisations as to the reasons why craft gilds tended to become exclusive. But whatever may have been the motive at one period or another, it is certain that a determined effort was made to keep down the number of trained and skilled artisans. Among the Shearmen of London⁶ (1454), and the Woollen Weavers of Norwich⁷ (1510), no one was allowed more than four apprentices. The Barber Surgeons of London⁸ (1486) limited the number to three, the Cappers of Coventry⁹

¹ *Black, History of the Lankashire Company*, 39-40.

² *Ibid.* p. 215.

³ *Ibid.* p. 208.

⁴ *Letter Book E*, 100.

⁵ *Black, History of the Pewterers' Company*, 1-10.

⁶ *London and Middlesex Record*, 10, 17-20.

⁷ *Records of Norwich*, 10, 117.

⁸ *Records of Norwich*, 10, 117. Woollen weavers in the country were only allowed two apprentices.

⁹ *Young, Barber Surgeons*, 24.

¹⁰ *Coventry Letter Book*, 10, 870.

[1526] to two, and the Tailors of Kester¹ to one, though the Tailorshaws allowed their members three journey-men. Sometimes the number of apprentices was proportioned to the status of the craftsman. Among the London Founders² [1485] any one who had held the office of upper warden was permitted four apprentices, a past warden three, a liveryman two, and a master 'out of the clothing' one or two at the most. The London Coopers³ [1537] assigned three apprentices to a past warden or master, two to a liveryman, and one to a householder 'out of the clothing'. The Tailors of Bristol⁴ adopted a somewhat different arrangement: a past master could take three apprentices, those who had twice served as wardens two, and those who had held no office one. Among the Pewsters of London the apportionment of apprentices went on similar lines: those who had twice been wardens had three apprentices, those who had been wardens but once had two, and other members one⁵. Lastly, the Carpenters drew the dividing line simply between those admitted to the livery and those outside: to the former were allowed two apprentices, and to the latter one⁶. Similarly among the Pewsters, liveryman 'of the clothing' could take three apprentices, and those 'out of the clothing' two⁷.

But the problems that were to agitate the men of a later age, and make every gift the scene of contention and strife, seemed far distant in the remoter centuries when industry was still confined within narrow bounds, and the craftsman was content with one or two apprentices at the most. Drawn from the same social status, united by a sense of common interests, masters and men in the early days of industrial development could toil side by side in willing co-operation, undivided by the antagonism of capital and labour. In so far as any difficulty disturbed the smooth

*Exhibit
showing
the status
of apprentices
here*

¹ *Smith, English Guilds*, 113.

² W. H. Williams, *Annals of the Founders' Company* (1882), 21. He says no one had been allowed more than two apprentices. *London Guilds*, II, 309.

³ J. F. Pate, *Coopers' Company* (1888), 32.

⁴ F. F. Fox, *Merchant Tailors of Bristol* (1885), 42.

⁵ G. Walsh, *Pewsters' Company* (1902), 10.

⁶ *1599 and Pewsters' Corporation Company*, 207.

⁷ Walsh, *Pewsters' Company*, I, 111.

working of the *gild* system, it arose rather from the lack than the superabundance of apprentices. Throughout the Middle Ages England remained primarily an agricultural country, a land of tillers, to whose needs the interests of trader and artisan alike were finally subordinated. But in the fifteenth century industry was beginning to prove more attractive than husbandry; it offered a wider scope to men of initiative and enterprise, and opened up a field of opportunity where wealth and prestige lay within the grasp of all who could approve themselves worthy by their skill and resources. The cloth trade was progressing by leaps and bounds, and the prosperous burgler began to stow up riches in his house and entertain kings at his table for his guests.¹ There was a movement from the country to the towns in the years that followed the Black Death, and the discontent of the peasants with the burdens of villenage spurred on their ambition for better things. The cry went up that tillage was decaying from scarcity of agricultural labourers, and the government responded with the acts of 1388 and 1406. The first act enjoined that all who served in husbandry till the age of twelve should continue to do so, and not be apprenticed to any mystery.² More important still was the second act, by which no one might place his child to serve as apprentice to any craft "or other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least."³ Some writers have supposed that this statute was ineffectual,⁴ but that view is undoubtedly incorrect. In 1439 the citizens of London petitioned against it, and they were excluded from its operation.⁵ Oxford made two futile attempts in 1455 and 1456 to obtain immunity from the act; they complained that their town was "decayed for the most part", since scholars had withdrawn from the University, "saying that they may not have artificers to serve them."⁶

¹ In 1369 a London visitor looked four kings—*State Survey of London*, i. 146. In 1460 William Caxton mentioned Edward IV. as *Physic*, *Memoirs of the Caxtons' Friends* (1892), 114.

² *Statute* 12. 25.

³ *Ibid.* 12. 25.

⁴ *E.g.* *English Agriculture and Prices*, iii. 227.

⁵ *Stat. Parl.* 14. 214-15; *Letter-Book E*, 103.

⁶ *Stat. Parl.* 15. 1072-4, 1175-6.

doubt, their chief concern was to collect the fees levied on new members, but the registers also served police purposes.¹ Moreover, when apprenticeship became the avenue to citizenship, the practice of enrolment was a natural precaution against fraud. It enabled the authorities to ensure "that all craftsmen be surely kept", and at Ipswich the apprentices whose indentures had not been sealed could not claim the freedom of the town.² At the same time the system of enrolment militated against open evasion of the gild regulations during the length of service, the number of apprentices and the details of their character and status. In practice, however, it was found extremely difficult to compel enrolment, though the attempt was renewed from time to time and enforced by the infliction of penalties, sometimes on the masters, but more commonly on the apprentices.³

The system of apprenticeship can be traced as far back as 1200, and before the thirteenth century had come to a close it had become part and parcel of the economic life of the London craft gilds.⁴ We can readily grasp the reasons that account for its rapid spread through every industrial centre in England, where the craft gilds brought together in a compact body all who followed a common calling. It

Early
period of
apprenticeship

¹ Fox, *Guild of Weavers in Bristol*, 21. (2c) Leicester: Records, II, 177 (7c) Southampton: *Memoranda, East Angles*, 20, 26, 36. *City Direct.* 125. (2c) Colchester: *Red Paper Book*, 23. 101. Worcester: Green, 5, App. 26. 100. Exeter: *Book, English Gilds*, 316. (2c) Ipswich: *Book, Annals of Ipswich*, 120. (2c) Chester: *Memor.* 422, considered within its limits. The term originally of 2 years was reduced to three months at Norwich in 1210. *Records*, 2, 206. The view that the system at Coventry (*Lat. Book*, II, 122) was exceptional, and due to a unique design on the part of the despot to get the control of industry (Jl. H. Harris, *Old English Towns*, 1912, p. 127, is thus disproved, the system of enrolment was a normal practice.

² This may be inferred from *Letter Book B*, 221. "Whereas a great number of members . . . be hid among the good men of the city" a register was to be made of masters, apprentices and servants to keepers into their "conduct and behavior." (1292)

³ Bacon, *Annals of Ipswich*, 102.

⁴ The system was disorganised, for example, at Norwich (*Records*, 2, p. 202) Coventry (1310-1322 Green, 216-219, 220-221 and Reading (*Records*, 1, 226). For penalties on masters, see *Letter Book B*, 224. For penalties on apprentices, see *Letter Book B*, 225, *Smith, English Gilds*, 324.

⁵ Riley, *Later Chaucerians*, 1, 25; the London gild of Liveries. The *Proem* to 1268 shows the establishment of the corporation in London at an early date. *Letter Book B*, 227. It also existed at Worcester before 1257. *Wolton, Last Jurisdiction at Ipswich*, 27.

was a field of technical training, a school of specialized knowledge, in which the artisan learnt the mystery of his craft and was taught the ideals of good workmanship and sound quality, upon which the reputation of the gild depended. At the same time it protected the qualified workman from unskilled competitors, while later it developed in the hands of exclusive gilds into an instrument of monopoly. But although apprenticeship became a universal feature of industrial life in the later Middle Ages, it is erroneous to suppose that it was everywhere made obligatory upon those who wished to set up in the gild as journeyman or masters. This no doubt was the common practice, and occasionally we find instances where the system was definitely made compulsory either in gild ordinances or in parliamentary statutes.¹ None the less the journeymen did not invariably have to pass through a term of apprenticeship. The ordinances of the London gild of Prebears (1348) admitted into their body any one who had served as apprentice, or was "otherwise true workman known and tried among them".² Examples among the London crafts can easily be multiplied. The ordinances of the Cutlers (1360) speak of the journeyman "who has not been apprenticed in the trade"; the Founders (1368) ordered the unskilled journeyman to "be custod thersom, if he will not become an apprentice"; the Blacksmiths (1408) forbade any one to "teach his journeymen the secrets of his trade, so he would his apprentice".³ Even as late as the sixteenth century (1562), the Tailors of Bristol were willing to accept "for a reasonable fine any honest person being a good workman, although he hath not been an apprentice to the same craft".⁴ Similarly at York, among the ordinances of the Painters no mention is made of apprentices, and strangers could be employed if they proved competent.⁵

After completing his term of training the apprentice was

¹ Examples of compulsory apprenticeship are: (a) Weavers of Bury, 1299: *Med. Hist. Comm.*, 14th Rep. App. vol. 2, 25. (b) Corporation of London, 1244: *Flora* p. 10. (c) Norwich Corporation of Weavers 1398: *Medieval* 2, 377.

² *Med. Hist. Comm.*, 14th Rep. App. vol. 2, 25.

³ *Med. Hist. Comm.*, 14th Rep. App. vol. 2, 25.

⁴ *Med. Hist. Comm.*, 14th Rep. App. vol. 2, 25.

⁵ *Med. Hist. Comm.*, 14th Rep. App. vol. 2, 25.

now free to become a journeyman or wage-earner, and seek employment at the capacity of a hired workman. We have very little in England of the "wanderings" of unapprenticed journeymen analogous to those of continental apprentices. Although it was usual for apprentices of the Merchant Adventurers of Newcastle¹ to fare abroad in search of wider experience and a more cosmopolitan training. Still there is evidence to show that a journeyman did not always set up in the town in which his apprenticeship had been served, and must often have travelled about from one place to another². As a rule, however, he was expected to remain with his master for a year after his period of probation had ended, although he was now paid wages³. In the first half of the sixteenth century a proposal was put forward in London to compel apprentices, after completing their term, to serve their masters as journeymen for three years before admittance to the freedom of the city: "to the intent that they may have something of their own"⁴. This was apparently the practice among the Carpenters and Joiners of London, for no one was allowed to take an apprentice until three years had elapsed after the end of his apprenticeship⁵. The Guildsmen of Chester also established the rule that no apprentice should be accepted as a master, unless he had first served as a journeyman for three years⁶. If, as sometimes happened, the apprentice had contracted liabilities and was in debt to his master, he could not leave his service until he had repaid his obligations. "No one", ran the ordinance of the London Hatters (1547), "shall receive the serving-man of another to work, so long as he is in debt to his master; but he is to remain

¹ *Merchant Adventurers of Newcastle*, ii, p. 1000.

² As Brevinty (1526) journeymen were required to be examined as to their competence, unless they had served their apprenticeship in Brevinty. *Writ. 355 Canon. Brevinty*, 79. The Tailors of London admitted members who had served their apprenticeship in any place, and not as Brevinty only, provided they submitted proof by showing their indentures or in other ways. *See: Merchant Tailors of London*, 45-47.

³ Indentures often stipulated for a year's service as journeyman. *Records of London*, vi, 29 (1536); *Wages, Apprentices and Prices*, vi, 98 (1512).

⁴ *Guildhall Journals*, p. 16, 174.

⁵ 1549 and 1550, Carpenters, 175. *Smith, Joiners' Company*, 22.

⁶ *Records of Chester*, 22.

in the service of his master until he shall have made satisfaction for the debt which he owes him" ¹.

Every journeyman looked forward to the day when he would cease to be a wage-earner and would take his place among the masters of the guild as a fully qualified craftsman, sharing in the common life of the town, bearing its burdens and participating in its privileges. Sometimes he was required to furnish a "master-piece", though this was more common in the seventeenth century than in the fifteenth. Among the Furriers of London the journeyman was required as to his "honesty and behaviour", and he had then to produce a sample of his work before the wardens ². It was usual in any case to test the competence of the craftsman before he was set to work. The apprentices of the London Founders were examined whether they were "expert or cunning in the craft" ³; while among the Founders every journeyman was to be "tried and proved by the masters as to whether he is able to work in such trade as a journeyman or not" ⁴. Again, the Tailors of Bristol were required to approve themselves "lawful" workmen, "full perfect" in their craft and "of good conversation and living" ⁵; and the Weavers of Bury refused to let any one set up looms in the town unless they had served their apprenticeship to the craft and had "sufficient cunning and understanding in the same, and so be examined and admitted by the wardens as able men" ⁶. These regulations were intended to protect the skilled craftsman against the competition of untrained workmen. To this extent they were designed in the interests of the producer, but they were equally to the interests of the consumer. This was recognised in the ordinances of the London Coopers, who were forbidden to put any stranger to work until the wardens had brought him before the mayor and aldermen

¹ *Early Documents*, 120. Similarly the Barbers and 125.

² *Wills, Furriers' Company*, I, 100 (1520). For the master-piece of

G. J. Dantley, *English Apprenticeship and Child Labour* (1922), 214.

³ *Wills, Londoners' Company*, 103 (1502).

⁴ *Wills, Memorials*, 124 (1505).

⁵ *Proc. Merchant Tailors of Bristol*, 47.

⁶ *Wills, MSS. Genes*, 14th Reg. App. vol. 120. Similarly, *Wills, Mercers' Guild*, 120.

to be assigned "whether he be able workman to serve this city well and truly or not".¹ Whether the journeyman who had not served an apprenticeship could set up as a master is uncertain, but probably he was allowed to do so. Among the Fellows of York no one was to set up as a master, unless the searchers had testified before the mayor that he was fit for his occupation; the qualification for mastership is here not apprenticeship, but general proof of competence.² Two or three years at least necessarily, and perhaps sometimes considerably³, elapsed before the journeyman was in a position to claim entry into the inner circle of the gild, and the interval afforded a breathing-space in which he could accumulate sufficient capital to set up in his own workshop. But capital played, as a rule, a subordinate part in medieval industry, and his tools and technical skill were the resources upon which the master craftsman was content to rely to gain a livelihood. The market was limited, rapid fluctuations of supply and demand were practically unknown, and speaking generally there were few fields in which the skill of the entrepreneur could find an opening. The craftsman usually worked on materials supplied by his customer⁴, and did not need an extensive stock to cover his boards. In the early days of industrial development no impassable gulf separated the master from his workmen, and the masters were themselves seriously drawn from the ranks of the labouring class. We need not idealize early industrial conditions to recognize that there was between the employer and his men an identity of purpose and a sympathy of outlook, which brought together on the same social and economic plane all three classes of the gild-brotherhood to combine their forces for the common good.

The primary purpose of the craft gild was to establish a complete system of industrial control over all who were associated together in the pursuit of a common calling. It developed the life of the medieval craftsman in a set-

*Functions
of the
craft gild*

¹ Smith, *Customs' Compounds*, 14 (1400).

² *York Writemasters Book*, c. 37.

³ *Ibidem*, p. 202.

⁴ Tailors usually worked on cloth furnished by the customer: e.g. Smith, *English Gilds* 322; for other examples *supra*, p. 194.

work of restrictions, which bound him on every side hand and foot. It did not suffer the resistent detail to escape its rigid scrutiny and observation. It embodied in its regulations a whole social system, into which the individual was completely absorbed by the force of public opinion and the pressure of moral and social conventions. It embraced within its scope not only the strictly technical but also the religious, the artistic and the economic activities of mediæval society. It was first and foremost undoubtedly an industrial organisation, but the altar and the papacy, the care for the poor and the education of the young, were no less part of its functions than the regulation of wages and hours, and all the numerous concerns of economic life. It is by the analysis of craft ordinances that we may perhaps reconstruct in part the most important aspects of mediæval industrial life, and attempt some comparison with the conditions of our own day.

§3. *Control
and of
Industry*

The technical ordinances of the guild were intended to protect the consumer against defective wares and the producer against cheap labour. This is shown in the *Bristol Book of Ordinances*: "Diverse ordinances have been made on the working of woollen cloth to the intent that good and true cloth shall be made in the town, as well for the preservation of the good-fame of the same as for the profit which they shall take on the sale of their cloth"¹. Nothing is more remarkable in these regulations than the minute detail with which they set forth the duties and responsibilities of the guildsmen. They demonstrate clearly how intimately the nature of industry and the ideals of sound craftsmanship were bound up with the fortunes of the guild system. The rules in force among the Weavers of Bristol will serve as illustration of the rest: they fixed the width of the drapery, and directed that "if the threads are defamed in the cloth or are too far apart, which the weavers called *moat*, that cloth and the instrument on which it is worked ought to be burnt"; the same penalty was inflicted when the cloth was made of woollen thread called *drems*, or if it were "worse in the middle than at the

¹ *Little Red Book*, c. 40.

sides"¹. The minuteness with which regulated life was regulated does not require us to suppose that a craftsman in the Middle Ages was necessarily more honest and trustworthy than his descendant. On the contrary, the explanation is rather that medieval methods of trade were extremely primitive, and demanded constant and detailed supervisory. Bakers stole dough almost under the very eyes of their customers²; ale-women thickened their quart measures with pitch covered over with rosemary, "so as to look like a bush in the sight of the common people"³; coppers made caps with prohibited materials⁴; pepperers mixed old and new wares, and made the sale of a hale contain better commodities than the rickles⁵; shoemakers put calf-skin among ox leather⁶.

It is sometimes assumed that the prohibition of the gild enactments really cloaked a selfish and blind attachment on the part of the gild-brothers to their own narrow interests. But it is difficult to rise from a study of their ordinances without a feeling that, in the best days of the gild, the professions of good faith and regard for "the common profit" were not devoid of real meaning. They represented at least an ideal, by which he practices the conduct of the gildmen, while often selfish, would tend to be influenced. Among the Pewterers of London penalties were inflicted for bad workmanship as follows: at the first default the offender was condemned to lose the defective ware, at the second he was also punished, and at the third he was expelled from the craft "for ever": he had sullied the reputation of the gild and damaged its good name in the

*Further
for bad
workmanship
expel.*

¹ *Letter Book of the City of London*, 1273-1280. The Pewterers of London, to take another example (1273), were forbidden to make any payment higher than it was before. *Waltham Abbey Company*, 10.

² In 1297 a baker fell seriously and critically upon a certain hole in his main upon a table of his pertaining to his business. And when his neighbours and others who were with him being at his own table with their dough, he used to put the dough upon the table and over the hole, he made holes there. Meanwhile, one of his household lay concealed beneath the hole and secretly opening it, perceived and let him see, he suddenly released some of the dough, "in the presence of all his neighbours, . . . and of others who had come to him, and to the crowd and capture of the whole city." *Rolls of Parliament*, 1297.

³ *Ibid.*, 309.

⁴ *Ibid.*, 30.

⁵ *Rolls of Parliament*, 1297-1298.

⁶ *Letter Book of the City of London*, 1273-1280.

⁷ *Records of Nottingham*, 1, 316.

eyes of the public, upon whose favour the craftsmen were dependant for their market¹. At Chester in 1419 a shoemaker incurred the heavy penalty of ten pounds for selling shoes of his own workmanship needlessly made, "to the prejudice of the company of shoemakers"². This insistence that a bad workman brought discredit upon his fellows is worth attention. It explains the anxiety of the guilds to exclude from their membership all who were likely to damage their good name. The Shoemen of London allowed no new member to be admitted, unless "he be known a good man and of good name and fame and of good condition, and that he be perfect and able workman of the said craft"³. In the same way the Grocers' Company would accept no one "unless he be of good fame"⁴, while among the Bowers of York a dishonest member who was guilty of larceny requested his offence with expiation from the guild⁵. Among the Tailors of Bristol, York, Exeter, Plymouth, and among the Fullers of Colchester, any artisan who by his incompetence ruined his customer's cloth was required to recompense the owner⁶. At Bristol, "if any tailor lose [spoil] by his evil working a cloth or garment to him delivered to be cut, and the possessor complain to the master and wardens", the latter shall examine into the matter and the customer's loss be made good. "so every tailor shall be better advised to cut well and sufficiently the cloth that is delivered unto him". Similarly among the Dyers of Bristol any damage occasioned by defective dyeing was to be recompensed⁷; and the London Silvers also allowed customers to bring complaints to "the rulers of the trade", and promised to punish the offender⁸. Even more striking was the ordinance at Plymouth, where the guild

¹ *Tailors, Footwear Company*, i. 2.

² *Stowe's Chronicle*, 407. The London Company sent their members the following writ: *Writ, Grocers' Company*, 41.

³ *Local and Middle England Day*, 10, 20.

⁴ J. A. Kingston, *Records of the Grocers' Company* (1879), i. 25.

⁵ *York Memorabilia Book*, i. 82.

⁶ Cf. Bristol: *Prov. Merchant Tailors*, 35, 36 (1421), 36; *Tailors' Pic. County Court Yorkshire*, 22, 23 (1413); *Shoemen's Statute*, English Code 283, 284; *Plymouth: Alms MSS. Comm.*, 9th Reg. part 1, App. 298, 299; *Colchester: Red Paper Book*, 25.

⁷ *Statute Red Book of Bristol*, 21, 82 (1421).

⁸ *Statute Memorabilia*, 229 (1346).

apparently shouldered direct responsibility for all-wronged work. If "the craft admit any man to be of the said occupation and craft, and he happen to destroy or mar any manner of garment for lack of understanding and reckoning as that behalf, that then he or they so hurt or grieved shall warrn the magystrs" and they "shall pay and content for the current . . . so destroyed". These regulations of the gild enforcing sound quality and a good standard of workmanship were not suffered to remain a dead letter, and steps were taken, as we shall see, to institute a rigorous search throughout the craft at all times and places. It was on this account that night-work was generally prohibited¹, sometimes with no less a penalty than that the offender should "shut up his trade for a year and a day"². This may appear an arbitrary interference with the rights of the individual, but artificial light vitiated against sound work: "No man can work so neatly by night as by day"³. Moreover, the wardens could not carry on their search after sunset. The London Hatmen in 1547 petitioned the magistrates to prohibit night-work, on the ground that it enabled workmen to evade the control of the craft authorities: "wherens some workmen in the said trade have made hats that are not befitting, in deceit of the common people, from which great scandal, shame and loss have often arisen to the good folks of the said trade, they pray that no workman in the said trade shall do any work by night touching the same, but only in clear daylight, that so the aldermays wardens may openly inspect their work"⁴. The prohibition against night-work was sometimes relaxed. The Weavers of Leicester could weave by night and by day, though it was stipulated that no defect must be found in their work⁵.

¹ London Weavers (1500), *Pilgr. into Canterbury* 2, 100. *Letter-Book F*, 103 (1507). *Leicester Weavers (Index)*, *Records* 3, 30.

² In the case of the third offender: *Letter-Book D of Bristol*, 2, 5.

³ *Pilgr. into Canterbury* 201—*Spectator* (1540). A similar opinion is given among the Ordinances of the Furriers: *Wills*, 1, 2. This, rather than the statement in A. B. 20,000, *On the History and Development of Gilds* (1890), p. 200, that the rule was due to "respect for the well-being of the gild members", is the correct explanation.

⁴ *Wills*, *Memoranda* 230.

⁵ *Records of Leicester*, 1, 102 (1547). The stipulation shows the real purpose of the August prohibition against night-work.

Elsewhere night-work was permitted in times of exceptional stress¹. Sunday labour also was prohibited, thus the bishop of Worcester in 1441 forbade shoemakers of Gloucester to ply their trade on Sundays², and barbers were not allowed to exercise their craft except for strangers³. In addition the artisan was bidden to do his work in full public view, not in upper rooms or cellars but in "halls and shops next the road in sight of the people"⁴.

Regulation
of wages

Although wages and prices were often regulated by the municipality and subsequently by the state⁵, the assessment of wages and the fixing of prices were also a customary feature of gild activity⁶. The Bowers' craft of York fixed artificers' wages both for piece-work and by week. The 'taskman' who worked by the piece received sixpence for "chip-ping" a hundred bows, while journeymen who were not competent for 'taskwork' received twelpence a week and their food during one half of the year, and eightpence a week and food the other half. Other gilds at York, the Skinners, the Cordwainers, the Shoarmen and the Weavers, also regulated the rates of payment which hired workers were to receive⁷. At Bristol the Fullers⁸, at Coventry the Cappers⁹, fixed the wages of their workmen, and at Leicester the consideration of weavers and women wool-wrappers was also laid down by the gild¹⁰. These examples are sufficient to establish the contention that the wages of the medieval workman were determined in many cases by the authority of the craft gild. If we now turn to the customs of two

¹ [?] At Winchester, in the thirteenth century, leather could work at night from St. Michael to Christmas. *Archæol. Journal*, III, 27. [?] York Fullers (c. 1350). *York Minster Guild Book*, I, 72.

² *Statutes, Gloucester Corporation Records*, 104.

³ Young, *Barber-Surgeons of London*, at 161/2; Little and Bent of Bristol, II, 72 (1350). *Law Book of Coventry*, I, 288 (1442).

⁴ Little and Bent of Bristol, II, 31.

⁵ For municipal regulations, see infra, p. 330. An example of the state fixing prices (both and laid) is *Statute*, I, 211.

⁶ The statement in S. Brown, *The English Craft Gilds and the Government* (1901), 71, asserts, that wages and prices were not regulated by the crafts, that fact appears doubtful.

⁷ *York Minster Guild Book*, I, 100 (Bowers, 1400). [?] (Skinners); 107 (Shoarmen, 1401); 107-108 (Cordwainers); 104 (Weavers 1400). *Customs Concerning*. ⁸ Obtained by the master craftsmen of the Bowers (1350).

⁹ Little and Bent, II, 28, 72 (1350).

¹⁰ *Coventry Laid Book*, II, 100.

¹¹ *Records of Leicester*, I, 102 (1382); 106 (1383).

London crafts, the Blacksmiths and the Shoemen, we may form some notion of the way in which the remuneration of the hired servant was fixed. The Blacksmiths (1434) ordered that if a stranger came to London to serve in their craft, he was to give service for two weeks, evidently to furnish indications of his capabilities, and then must enter into a covenant for a period of three years, during which he received a yearly salary of forty shillings.¹ The Shoemen's arrangements (1425) were more drastic. Whosoever a master employed "any foreign man", that is, a stranger who was not a member of the guild, the wardens and the assistants were to "use the foreigner work and conservatively set his salary between his master and him, and there to be bound four years a covenant".² Thus among the Shoemen wages were proportioned to the capacity of the wage-earner, while both among the Shoemen and the Blacksmiths we remark the long periods of engagement to which the hired worker was required to bind himself. It is reasonable to suppose that the guilds also regulated the prices of their commodities. Evidence of this is necessarily scanty, because the guilds would not openly claim the right to do so in their ordinances for fear of wounding the jealousy of the authorities. But the evidence of Leicester shows that the crafts made among themselves an issue or standard of prices.³ Again at Norwich the wardens took oath to prevent any merchant who "taken excessively for his craft", and the standard of a 'fair price' which was not 'excessive' would naturally be determined by the guild. These examples alone would not be conclusive, but in the ordinances of the London Shoemen (1424) we have unmistakable evidence that the craft guild regulated prices by fixing what the master craftsman should take for his work: "for shoering of soulet and all other engased cloth every yard twopence . . . and for all manner cloths folded and tacked in Genoese manner twopence . . . and for folds and tacks of twelve strins in Venetian manner eightpence".⁴ We naturally hear next about the fixing of

Regulation
of prices

¹ *Local and Guild Statutes*, loc. cit. 22.

² *Ibid.* iv. 27.

³ *Statute of Leicester*, s. 50 (1298).

⁴ *Statute of Norwich*, s. 327.

⁵ *Local and Guild Statutes*, loc. cit. 40. Medieval "wages" are thus always easy to distinguish from medieval "prices". A master craftsman,

prices by the craft guilds when the privilege was abused, for example, it was made the ground of complaint in an act of 1504 that unreasonable ordinances were made as to the "prices of wares".¹ As an illustration of the "unreasonable ordinances" against which this statute was directed, may be cited an ordinance of the London Furriers which occasioned great licence among their members. "Foreasmuch as divers persons used to make sale of divers wares appertaining to the said mastery or craft far better cheap than the charge thereof cost and sized them in for the making and stuff of the same, to the impoverishment of the same sellers and to the hurt and prejudice of all the whole fellowship. Wherefore it was considered [discussed] among them in what way and price they might sell their wares so that they might have a convenient living thereby, and it was thought amongst them that a shuffling, called a middle disk, could not well be sold under the price of fourpence, and a cordstick called a small lemp, under the price of eightpence and a candlestick called a great lemp, under twodepence, if they should live thereby".² Again at Norwich the Chandlers, in order to eliminate competition, agreed that none of them would sell a pound of candles cheaper than the rest, apparently their prices were extortionate, for they were accused for their offence.³ At another time the London Lane-burners conspired not to sell their wares below certain rates; and their singler was condemned on a charge of extortion, deprived of the freedom of the city and sent to prison.⁴ These instances serve to show that the guilds were not allowed to use their power in a manner detrimental to the community. The pressure brought to bear by a guild upon its recalcitrant members is illustrated in two curious incidents which took place at Coventry. The Dyers' guild undertook to work only at certain rates, and when a number of dyers refused to be bound by these rates, the guild hired Weavers

working on the common's frame, so cheaping a 'jeune' but he also receives a 'wage'. But we can draw the distinction between wages as the payment made to prostitution or hired workers, and prices as the payment made to the master.

¹ *Statute in the Year Charles I. 1504* (1505).

² *Statute, Last Jurisdiction on Norwich*, 31 (1505).

³ *King, Remonstrance*, 171 (1505).

⁴ *Statute*, 11 1511.

and Irishmen to waylay and kill them. This drastic treatment of "blockade" represents the medieval form of picketing.¹ On another occasion the Barbours agreed among themselves to raise their prices, "making the cost of that art so much denser to the damage of the whole people"; and when one of their number repudiated the agreement, he follows, threatened him with violence and summoned him before a spiritual court for breach of oath.²

The religious side of the gild system figured more prominently in the case of some gilds than in that of others. Many craft gilds seem to have originated as religious fraternities whose members were drawn together by ties of common devotion, and the religious duty of the gild is often placed foremost among its functions. "In the first place they have ordained", enacted the White Taylors of London, "that they will had a wax-candle to burn before Our Lady in the Church of All Hallows"³. The absence of direct references to religious obligations in gild ordinances does not necessarily prove that the gild served purely secular purposes; for where the ordinances were submitted to the civil authorities for their approval, they would be concerned mainly with industrial matters only. There are numerous indications that as a rule every gild was wont to maintain lights upon the altars of its patron saint.⁴ Closely connected with the maintenance of altar-lights were provisions for plays and pageants, which the crafts exhibited annually as part of their contribution (*denarius*) to the social life of the community. In the history of the medieval stage the gilds occupy an important place, and at York a gild was expressly founded to keep up a religious play.⁵ During the later Middle Ages the drama was undergoing a transformation, and while still remaining primarily a vehicle for religious edification was rapidly emancipating itself from ecclesiastical control. "Out of the hands of the clergy

the
religious
function

¹ *York Corporation Manuscripts*, iv, 192.

² *Patent Rolls*, 1320-1322, p. 100; *Commons Law Book*, v, p. 220n. For another example see infra, p. 320.

³ *White Taylors*, 132 (1326).

⁴ E.g. *Little Ship*, *Book of Hours*, c. 100 (Worcester); 122 (Cardinal's); 125 (Morpeth); early fifteenth century.

⁵ *Smith, English Guilds*, 177.

in their nave and choir, it had passed to those of the left, in their market-places and guild-halls"¹. The Mystery Play attained its highest point of development with the institution of the great Cycles in which biblical incidents were portrayed in a succession of pageants. The four great Cycles still extant are the Coventry, Chester, Towneley and York². The Coventry Cycle³ and the Chester Mysteries⁴ became especially famous and attracted visitors in large numbers, while the text of the York Cycle⁵ is preserved as it was actually played by the craft. At Norwich the crafts were divided into twelve groups, each of which was required to produce an annual pageant: the Weavers, Drapers and Haberdashers presented the Creation of the World, the Garden and other Paradise, the Saviour the conflict of David and Goliath, while further sections of the Cycle were distributed among the remaining trades⁶. The procession of Corpus Christi was the most popular Cycle of all, and at Hartford the Glovers exhibited Adam and Eve, the Carpenters "Noah's Ship", the Tailors "The Three Kings of Colen", and the Bakers "Knights in Armour"⁷. More appropriate still were the parts assigned to the guild of York, where the Ammerians represented Adam and Eve driven from Paradise, the Shipwrights the Building of Noah's Ark, and the Fishers and Mariners the Flood⁸. There was no theatre, and the pageants were exhibited in different parts of the city on movable stages which were drawn by horses from one quarter to another; the object in repeating the play being to enable as many as possible to be spectators. The authorities devoted the most careful attention to the minutest details of the pageant, insuring at York that the

¹ E. K. Chambers, *The Medieval Stage* (1902), i. 49, 147. The apt allusion to the *harropeys* at St. Clement's.

² A. W. Pollard, *English Medieval Plays* (1906), p. xxix.

³ Harris, *Life in an Old English Town*, 322.

⁴ Maitland, *Chaucer*, 303 seq.

⁵ L. Toulmin Smith, *York Mystery Plays* (1872), p. viii.

⁶ *Annals of Norwich*, ii. 295, 301, 322.

⁷ *Ibid.* 1825 *Chron.* 12th May. App. 10-116.

⁸ E. Dutton, *Municipal Records of the City of York* (1872), 122 seq.; *Ibid.*, *Chronicon*, App. 122. L. Toulmin Smith, *York Mystery Plays* 49-50, 52. For the Corpus Christi pageant at Ipswich, see J. Woodcock, *Annals of Ipswich* (1896), 122 seq.

crafts should provide "good players well arrayed and openly speaking"¹, and at Coventry that all "who play in the Corpus Christi payment shall play well and sufficiently so that no impediment may arise in any play"². A striking feature of these payments was the love of music, which was a marked characteristic of the English people in the Middle Ages, and in the accounts of the Bakers at Bristol the payments to minstrels constitute an important item³. This artistic association of the craft guilds with the popular drama that was springing up in England serves to illustrate the communal aspect of the guild system, and reveals how closely inter-oven were the social aspects of the guild with its economic and industrial activities. Brought together by their common calling in the pursuit of common aims, the medieval craftsmen developed an ideal of co-operation and joint effort which passed in intensity what it may seem to have lacked in range of vision.

Among the agencies by which distress in the Middle Ages was relieved, the craft guilds occupied an important place, and as friendly societies they contributed to the support of their poorer members. The Carpenters of London (1391) instituted a provision that "if any brother or sister fall into poverty by God's hand or in sickness . . . so that he may not keep himself, then shall he have of the brotherhood such week fourteengenes during ~~this~~ poverty, after he hath bin sick a fortnight". They added, "and that he shall be so timely visited and helped that he shall not for default of help be brought to sought, nor be undone of his estate as he be helpen". During his poverty the unfortunate brother was also to receive the livery clothing at the common cost, in order that he might not be put to shame in the presence of the guild assembly⁴. The Merchant Taylors of Bristol allowed twodevynce every week from their "common goods"⁵, and the Grocers' Company furnished

and
Privately
received.

¹ *Statute of 1377*.

² *Coventry Last Book*, p. 103.

³ *Three Bristol and Gloucester Accounts*, Ser. III, 93.

⁴ The "Rate" of the Ordinances of the Brotherhood of Carpenters of London, of C. Wick (1391), 13. But in 1394 poor members were to have weekly

a reward of the common loss of the craft after the dissolution of the master and wardens' (1394) and French, *Carpenters' Company*, 146.

⁵ *Full Merchant Taylors of Bristol*, 17.

assistance to any member who became bankrupt.¹ The White Taverners of London not only gave alms to a week to a poverty-stricken member in old age or sickness, but also enacted that "after his decease, if he leave a wife a woman of good repute, she shall have weekly for her support alms to the value of . . . so long as she shall believe herself well and keep single."² The Barber Surgeons of London appear to have restricted their charity to older members: "If any brother of this fraternity, who has done of this fraternity for seven years, by chance fall into trouble or into poverty, and if he have nothing of his own by which he may be able to live, and if it be not through his own folly, then then he shall have each week from their common box temperance halfpenny for his sustenance."³ The Tanners of Gloucester (1543) apportioned their relief according to the status of the "degraded or poverty-stricken" member. A past master who was in need received alms to the value of a week; those who had not attained to the gild dignity or borne the burden of office received fourpence a week if they fell into poverty.⁴ The institution of almshouses marked an important step towards the establishment of an organized system of poor relief, and in this direction also the gilds anticipated state legislation. The Goldsmiths⁵ (1514) and the Company of Merchant Taylors (1406) built almshouses near their halls "for the brethren of the heavy or clothing falling into poverty."⁶ The gildsmen were expected to leave legacies to help any brother, who fell into poverty after he "hath done his duty well and truly to the fraternity."⁷ The Weavers of Gloucester received a bequest of forty pounds to be distributed annually among the poor, who were to return the loan at the end of the year.⁸ Throughout the gild ordinances runs the conviction that those who

¹ *Kingston, Grocers' Company*, i, 18.

² *Elton, Almsmen*, 120 (1510).

³ *Young, Barber Surgeons*, 57 (1514).

⁴ *Trans. Bristol and Glouc. Archæol. Soc.* 1891, 101.

⁵ *Bryson*, ii, part II, 1130.

⁶ C. H. Clode, *Early History of the Merchant Taylors (M.T.)*, i, 3.

⁷ Smith, *English Gilds*, 117; *Kingston, Grocers' Company*, i, 18, 29.

⁸ *Stevenson, Gloucester Corporation Records*, 136. Another example of alms for poor members is furnished by the London Corporation (*Good and Well, Ancient Acc.* 16, 101), with the stipulation as to "good rule."

had served their fellow-men and had been "of good rule" should be called for as their help as need. Side by side with provisions for the sick and the poor went a due regard for the interests of the young. Many free grammar schools were founded and maintained by the gilds, which formed one of the main sources of education in the Middle Ages¹; and one gild that of Corpus Christi, Cambridge², perpetuated its memory by founding the famous College that still bears its name. In this way the gilds contributed to the spread of learning, and the voluntary efforts of artisans helped to keep burning the lamp of knowledge.

Another purpose of the craft gild was to determine all disputes between its members, and no craftsman was allowed to take legal action against a fellow-gildsman "without leave of the master and the wardens"³. The complainant was bidden first to "bring his grief" to the officers of the gild, who would endeavour "to set the parties at peace". A detailed rule was laid down among the London Shoemakers (1430): "that no man of the said craft shall take action by the law upon another where the master may be aided by treaty or compromise, unto the time that he hath asked the wardens' leave . . . and that the same wardens shall truly examine both parties, and that each of them shall choose a man or two within the said craft and they four to set them at assay if they can"⁴. If their efforts failed, the parties could then "go to the common law"⁵. The motive of this prohibition was to avoid as much as possible contact with royal courts of jurisdiction, and to maintain unimpaired the authority and prestige of the wardens, at the same time it helped to strengthen the feeling of solidarity among those whose social and economic interests were so intimately interwoven. In 1504, however,

¹ A. F. Lewis, *English Schools in the Fifteenth Century* (1916), 22. The Deacons of Stowbridge-mentioned a school in 1400; *Statute, Customs and Constitutions of English Gilds*, 22.

² Cooper, *Annals of Cambridge*, i, 103. *Cambridge Gild Records*, at St. Botolph (1902), p. 1000.

³ Young, *Earlier History of London*, 33 (1918). *Statute, Customs and Constitutions*, 30 (1490); *Joyns and French, Conjurators' Company*, 581; *Kingston, Grocers' Company*, 53.

⁴ *Lead and Malt, Drapers' See*, 10, 20.

a statute of parliament allowed a gildman to sue his fellow-member at law without leave of the fellowship.¹ This act excited great excitement among the gilds, and is represented by the clerk of the Merchant Taylors as the work of the city recorder. According to his account, the rule against litigation had served to foster "good obedience" in the crafts "and perfect love and charity . . . between brother and brother, . . . by reason whereof the citizens . . . did richly increase and grow into wealth and prosperity". But this static condition was "to the prejudice" of the lawyers, and the recorder "by his great labour, subtilties wit and crafty means" originated the act in the interests of the legal profession.² However this may be, the act appears to have remained unoperative. The old rule was not abrogated, and is found among the ordinances of the Barber Surgeons in London (1530)³, and of the Merchant Venturers in Exeter (1569)⁴, while in 1563 a merchant of Newcastle indicted a man of law and eightpence as penalty for suing a fellow-member in a court of law.⁵

Statute
allowing
fellow-
members

An essential feature of the gild system was the principle that none should seek an unfair advantage over his fellows. It was strictly forbidden to entice a servant away from the service of his master⁶ or a customer from a dealer⁷. Paradoxical though it may seem, the democratic spirit is always strongest in the oligarchical and privileged body. The craft gilds were oligarchical in the sense that they enjoyed a monopoly of industry, and placed "strangers" and untrained workmen under heavy disabilities. But within their own ranks they sought to establish as nearly as possible a condition of absolute equality. The forces which we have already seen at work in the village community and the merchant gild were also in operation among the crafts, and

¹ Statute 12, c. 23. ² Clark, *Early History of the Merchant Taylors*, i, 10.

³ Young, *Barber Surgeons*, 107.

⁴ Ordinance of the Merchant Guild of Exeter, 18.

⁵ Newcastle Merchant Association, ii, 121.

⁶ Riley, *Later Guildsmen*, i, 76 (Lutterworth 1604); Riley *Monarchs* 128 (Preston, 1596); 314 (Preston, 1589); Young, *Barber Surgeons* 11 (1528); Hist. MSS. Comm. 14th Rep. App. vol. 128 (Rory Monarchs 1622).

⁷ York Monarchical Guild, i, 114 (1500); 1, 130; 1, 130; South, *English Mills*, 37 (Rector Taylors).

the guild ordinances often approach to something that, while not strictly co-operation, seems akin at any rate to the spirit of co-operation. Thus among the London Shoemen, if one master had three journeymen and another had none, "the wardens shall go to him that hath the said journeymen and shall take of them such as the goodness of the house may best fortune, and deliver him to him that hath none and hath need to have"¹. The same spirit of joint effort and co-operative action is seen in an ordinance of the White Taylors of London (1346) : "And if any one of the trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him that so the said work be not lost"². Again, among the Carpenters of London a craftsman was expected to find whatever work he could for a fellow-member that was unemployed. "If any brother go idle for default of work and another brother have work wheroun he may work his brother, and that work be such that his brother can work it, then shall he work his brother before any other and give him as another man would take of him for the same work"³. These ordinances are valuable for the light they throw upon the working of the guild system. But their interest lies deeper; they give us an insight into the working of the medieval mind and afford a wholesome contrast to certain aspects of latter-day individualism. Other measures were also taken to secure employment for those without work. Some hint approach to the idea of a "labour exchange" can be discerned in the ordinances which required unemployed workmen to assemble at fixed hours and places, and there offer themselves for work. In London (1350) Flemish weavers repaired to the churchyard of St. Lawrence Poultry, and those of Brabant to the churchyard of St. Mary Somerset⁴. At Coventry (1335) carpenters, masons, tilers, joiners, and all kinds of labourers who lacked employment were bidden to assemble at 3 a.m. in summer "with their tools in their

*Example
work.*

¹ *Cost and Staff Guilds*, etc. 11-13 (1331).

² *Rolls*, 1346-1350, 135. Similarly, the Masons—*ibid.* 135 (1335).

³ *Writs*, 1346-1350, of Ordinances of the Carpenters, 13.

⁴ *Rolls*, 1350-1351, 141.

hands at the Broad-Gate", where employers might be able to find them.¹ At Norwich a similar injunction was made in 1333: the unemployed were ordered to gather every morning between 5 and 6 a.m. at the market-cross in case a person wished to hire workmen.² At Worcester (1497) labourers who wished to be given work were instructed "that they with their tools in their hands daily stand at the Cross-cross on the work days within the said city and be there ready to all such persons that will hire them".³

Membership of the craft gilds was compulsory on all engaged in a particular industry. At a later period the gild tended to become exclusive and sought to place limits to its membership, but in earlier times the position was exactly the reverse. The problem of the craftsman was then, not how to keep the monopoly of trade in their own hands, but how to avoid a monopoly of business, and they were anxious to compel artisans outside their ranks to join the gild and share its trade. In 1368 the craft of Weavers in Lincoln complained that some weavers refused to contribute towards the laws of the gild, and the king ordered that every weaver should pay a proportional share.⁴ Again, the *Tollers of Beverley* laid down the rule that drapers who encroached upon their mastery should be liable to their assessments.⁵ On the other hand, at Norwich no one was to be compelled to join the gild unless "he be in substance and value of goods meet for the same".⁶ The control of the craft gild lay in the hands of the assembly and the wardens, who were generally two or four⁷ in number. They were sometimes nominated by the mayor⁸, but more commonly were elected by the assembly, and held office for the year. At Norwich

Deposition
from the
craft gilds
of some
towns.

(2)
Wardens

¹ *Country Life* Book, III, 109.

² *Records of Norwich*, I, 122.

³ *Great, Worcester*, App. p. 16. Similarly in Paris the unemployed assembled in certain open spaces. *Encyclopædia*, v, 211.

⁴ *Patent Rolls*, 1368-1369, p. 120. For the conflict between active and passive weavers over this point see infra, p. 421-2.

⁵ *Deventer Pipe Document*, 33 (1262).

⁶ *Records of Norwich*, II, 103.

⁷ At very few towns were appointed: *Hist. MSS. Comm.*, 14th Rep. App. vii, 433.

⁸ The wardens of the *Fellows of Hunting* were chosen by the mayor. *Hunting Records*, I, 126. At *Canterbury* again the mayor elected one warden, the other the other. *Hist. MSS. Comm.*, 26th Rep. (part), App. 175.

they were appointed in an oligarchic fashion, the returning wardens appointing four "sufficient, discreet and indifferent persons" who accepted eight others: "and these twelve persons so named shall go together in secret place by themselves" to choose the new wardens.¹ The qualifications for office varied from place to place: the gild of Norwich expressly excluded the civic authorities², at Bury St. Edmunds the rulers of the 'Weavers' craft were to be seen of substance "having livelihood within the town"³, and at Canterbury a curious proviso laid down that "any such masters so elected shall be none of the same crafts or misteries wherof they shall be elected."⁴ The wardens were bound by oath to fulfil the obligations incumbent upon their office: "Ye shall swear that with all your might and power ye shall keep peace and tranquillity within your craft, and ye shall make good and true search in your craft during this year next ensuing". They were forbidden to inflict excessive punishment upon delinquents or to extort money from them for their own gain, but they were to carry out their duties "sparing no one for favour and apprising no one for hate"⁵. Fines levied by the authorities of the gild were ordered to be "to the pleasure of God, after the ability of the people" to pay them, in order, and the rulers of Coventry, that "the city be increased to more wealthiness than it is now"⁶. Sometimes as an additional precaution—They were only allowed to inflict fines "by the assent and oversight of the mayor"⁷, and at Norwich if the fines were "excessively and not indifferently made" the injured party could complain to the mayor and obtain redress⁸. Where the gild was governed by a master as well as by wardens, an aggrieved

¹ *Records of Norwich*, i. 179 (1420).

² *Ibid.*

³ *Writ MSS. Cruise*, 14th Sep. App. vol. 132.

⁴ *Ibid.* 14th Sep. 14th 14pp. 171.

⁵ For the latter clause by wardens: *Records of Norwich*, i. 112. *Records of Southampton*, v. 36b, 149-150 (to be interpreted rather by "None favour, none nor favour", nor by "none, neither nor nor will no any person"). *Early Liber Albus*, i. 317. *Black, Louthborough*, App. H. 120-121. Among the Rulers of Bury the wardens were forbidden "to make excessive Lanthorn. Two Thousand Years of Guild Life, 122.

⁶ *Coventry Leth. Book*, no. 422 (1520).

⁷ *Records of Southampton*, i. 120 (1327).

⁸ *Records of Norwich*, i. 171 (1420).

Search
throughout
the work-
shops.

brother could appeal to the former "to correct the workman".¹ The primary function of the wardens was to supervise the work turned out by members of the craft, and to ensure a high standard of quality and workmanship. Hence they were expected to institute rigorous search throughout the workshops², and searchers who acted fraudulently were fined³. At Bristol where the guild fully recognized the importance of the machinery for ensuring work of sound quality, the wardens of the Fullers were to search every horse of the craft twice a week and the master of the Perceivers once a week⁴; while at Norwich search was made every three months or more often if necessary⁵. An industry expanded the system of house-to-house search began to break down, and at Coventry in 1528 a place was provided where cloth was to be brought two days a week for inspection by the searchers⁶. Delinquents in workmanship were punished to the mayor and punished, sometimes by the pillory, sometimes by expulsion from the guild, but most commonly by fines of which half, and sometimes two-thirds, went to the city and the remainder to the guild⁷. A craftsman who hindered the searchers in the exercise of their duties laid himself open to severe penalties. At Norwich a tailor was accused by the wardens that he would not allow search to be made in his shop; he was fined arrears-pence and ordered "to give to the wardens a pound candle of wax"⁸. A bad workman was expelled from the craft, say strivers found "false of his hands", was an ordinance of the London Blacksmiths, the first time shall be corrected and fined, but the second time "put out of the craft for ever"⁹.

¹ *Leeds and Wake*, *Archæol. Soc.* iv. 32.

² *Reg. of Norwich* in 1522 *ibid.* v. and the wardens were to take account each before the mayor "to make good and true search in the craft of all articles".

³ *York Minsterman* *Arch.* i. 25.

⁴ *Leeds and Wake of Bristol*, ii. 39 (Fullers, 1496); 115 (Perceivers, 1496).

⁵ *Records of Norwich* ii. 116 (1522). ⁶ *Coventry and Warwick* ii. 144.

⁷ (1) For preparation of bad work to the mayor: *magazine* 30, 31, 32, 33, 34; for the pillory: *Records of London*, ii. 193, 201; for the spoil of the city: *Records of London*, ii. 193, 201. *Records of London* 40, 41. The Corporation of York gave the city two thirds of their fines: *York Minsterman* *Arch.* ii. 24. At Oxford the Craftsman and Corporation apparently paid all their fines to the city: *Archæol. Journal* v. 124.

⁸ *Records of Norwich*, ii. 116 (1522).

⁹ *Leeds and Wake*, *Archæol. Soc.* iv. 32.

The assembly of the craft gild held meetings at different times of the year. At Norwich it met at least four times and often if necessary¹. It generally enjoyed legislative functions of a subordinate character, and enacted ordinances regarding the administrative details of the craft. In some gilds a common council was appointed with power to judge disputes and make ordinances for the craft "as often as is needful to be done", and these ordinances were then published at subsequent meetings of the gild. The gilds of Norwich (1499), for example, were ruled by a common council composed of the wardens and twelve members of the craft, by whom the new wardens were appointed. At Coventry the keepers of the scales (1540) were chosen by "twelve of the eldest and discreetest of the fellowship", and the government of the Cappers (1545) would seem to have been vested in the master and "twelve of the most ancient persons of the craft". Among the Tailors of Bristol (1564) the "seniors that have been masters of the craft" acted as an advisory body, and at Shrewsbury (1478) the wardens were also assisted by a council². At Bristol the ordinances of the Fullers (1568) were made "by the twelve most notable of the fullers", and approved "by the commons of the same mystery". The rules of the gild were binding on its members, and some gilds possessed a court in which to enforce their regulations³. We rarely meet with cases of friction between a craftsman and his gild. At York, where a shoemaker rebelled against the wardens, the affair was brought before the mayor and the authority of the gild was vindicated⁴. The Tailors of Exeter placed in the stocks members who neglected their duties⁵; and the London Carpenters inflicted fines or even imprisonment for disobedience to its regulations and for disorderly conduct⁶. But the crafts most often have found it difficult to coerce recalcitrant members, and their weakness served to increase their dependence upon the

See
Appendix

See
Council

(a) See
Court of
Masters

¹ *History of Norwich*, ii. 284 (1499).

² (1) *Norwich*; *ibid.* ii. 286-287. (2) *Coventry*; *Earl Hall*, ii. 102, 104. (3) *Bristol*; *Proc. Merchant Tailors*, 25. (4) *Shrewsbury*; *Wiltshire Gilds*, 25. (5) *Exeter* (Fullers); *Gilds and Gilds*, ii. 20.

⁶ *Ibid.* p. 110.

⁷ *Proc. Merchant Tailors*, i. 108 (1495).

⁸ *Wiltshire Gilds*, 20.

⁹ *Jesse and Peacock, Carpenter's Company*, 128.

Sanction
of oaths

municipal body. The Weavers of Beverley, for example, ordered that if a master owed wages to a journeyman and the alderman of the craft could not make him pay, complaint was to be made to the keepers of the town who could enforce payment by distress.¹ It was a common stipulation, therefore, that any one admitted to the guild should take oath to keep the ordinances of the craft, and disobedience would thus expose the offender to penalties in spiritual courts. Among the Provosts of London the oath ran: "Ye shall keep to your power well and truly all the good rules of provosts' craft."² The London Shearmen even required a new member to take an oath in the presence of a notary, "to the intent that if he break his oath he shall none be punished by the law of our Mother, Holy Church."³ On this account also, ordinances were sometimes enrolled in the registry of ecclesiastical courts in order that the authority of the guild might be backed "by the law spiritual and temporal."⁴ The practice of exacting oaths easily lent itself to abuse, since it tended to become an instrument for compelling guildsmen to comply with regulations which were oppressive. In 1344 a pinner complained before the Stating that his fellow-craftsmen had bound him by oath not to sell his wares below a certain price, and when he broke his oath, summoned him before a spiritual court as a perjurer.⁵ In 1437 the court of Coventry alleged that the crafts abused their power by exacting the subscriptions of their members to unjust ordinances: "Great doctore daily telleth us the city amongst the people of diverse crafts because that diverse masters of crafts use an episcopal courts diverse people of their craft, swearing that they have broken these oaths made in breaking diverse their rules and ordinances, which rules oft-times be unreasonable and the punishment of the said masters over cruel; which if it

¹ *Beverley Free Grammar*, p. 8 (1298). *Sanctuary of Coventry* (Lost Book no. 42) ordinance relating to pay that was brought before the mayor.

² (1) Provosts: *Wills*, I, 2. (2) Citizens: *Local and Field Studies*, 50, 51, 52. (3) Corporation: *1499 and 1500*, 22. (4) *York Guilds*; *York Memorabilia* Book 1, 30. (5) *London: Records* II, 72. (6) *London: The Merchant Tailors*, 28.

³ *Local and Field Studies*, 50, 51.

⁴ *Ibid.* 43.

⁵ G. Urwin, *The Guilds and Companies of London* (1907), 92.

continued by livelihood would cause much people to vend out of this city"¹. The practice was accordingly forbidden, but in spite of the prohibition we find the Dyers in 1435 making rules about dyeing and enforcing them by oath².

The relations between the different craft guilds in the town community were not always harmonious. It was a difficult task to draw a sharp line between allied occupations, and the crafts jealously resented any attempts at what they regarded as usurpation. The arrangements made to prevent encroachment on the part of one industry or another upon their several industrial spheres were extremely detailed. The Cordwainers and Cobblers of London, for example, agreed (1396) that no person who mended with old shoes should sell new shoes³. The principle, one man one trade, was well understood in the Middle Ages, though not always realized in practice. At Oxford it was ordered that every man should "keep and occupy his own proper craft or occupation wherein he hath been brought up, so that by their so doing every one of them may live by the other"⁴. We have here an exact expression of the medieval view of trade, the individual is consciously subordinated to the interests of the community, and the avowed purpose of all commercial dealing is to enable each man to obtain a reasonable livelihood and a "sufficient" profit. An attempt was made to carry this principle into law. The famous statute of 1366 bade "craftsmen, handicraft people, hold them everyone to one mastery"⁵, but the act was not easily maintained. The Carpenters of London tried to enforce it by forbidding their members to undertake any other man's work whether in masonry, plumbng, dashing or tilng, "saving only that, that belongeth to carpentry"⁶. At Chester, on the other hand, strict rules

¹ *Country Justice Book*, B. 301. The assizes given at the behest of Martin, *Old English Town*, 102, needs correction: the words that had appeared several months for the purpose, and the use of apostrophed words was not only unusual, but also open to keeping with the independent spirit of the craft guild.

² *Country Justice Book*, B. 301.

³ *Records of Oxford*, 100 (1396).

⁴ *July 14th Pleuch, Confraternity Company*, 230.

⁵ *Early Documents*, 347.

⁶ *Statute*, 1. 270.

because the members of one company intermeddled with the trade of other companies; for instance, the Tailors complained that the Drapers cut and sewed garments¹. Order was therefore taken that all should keep to the mastery in which they were enfranchised, but complaints were again renewed². At Norwich, again, the rule that no one should occupy more than one craft appears to have been in force in 1332³, but was abandoned a few years later. "It is ordained that every person and persons that keepeth two shops or more in several parts of this city, and there use diverse occupations or mistiches, shall be charged to every such occupation to all charges and gilds [taxes] of the same"⁴. Elsewhere also, it seems to have become a recognised principle that "all franchised men being free of one occupation shall henceforth be free of all occupations"⁵, but usually upon the understanding that they contributed to every craft in which they engaged⁶.

The economic position of women in the Middle Ages is obscure, though they were not without a considerable share in the industrial life of the country. There is not the same evidence of industrial organisation among them such as we find in the *Livre des métiers* of thirteenth-century Paris⁷, but they were admitted to the membership of certain craft guilds, especially among the Barber Surgeons of London and

¹ *Mem. Closter* 426 (1374).

² *Records of Norwich*, ii. 101.

³ *Chron. Henricus*, VII. (1332).

⁴ *J. London*, in 1375 the Weavers complained that the Cordwainers entered their craft without being members of their guild. The authorities declared that all freemen should set up looms and weave and sell cloth as they will "having to the King his yearly tax" i.e. provided they contributed to the Weavers' tax. *Letter Book E*, vol. 100.

About 1375 the Weavers sent a protest for setting up weaving within houses, the defendants replied that he had retained his contribution. *Silver Case in the Court of Requests*, p. 100B.

(1) Norwich. A craftsman may occupy other crafts upon payment of a fee. *Silver Case in the Star Chamber*, s. 100.

(2) Coventry. If any one wished to occupy another *tiling* he must "agree with the said corporation" (1370). *Letter Book* no. 6, 10. Again in 1391 it was granted that every clothier might weave his own cloth if he paid the Weavers' charge. *ibid.* no. 100.

(3) Devon. In 1365 the Tailors laid down the rule that drapers who extended upon their spheres should pay contributions to them. *Devonshire Free Charters*, 23.

⁷ *Economic Journal*, v. 101.

York;¹ they were enrolled as apprentices,² and the brewing industry was largely in their hands. They also shared in the woollen industry as spinners, weavers and dyers.³ One-fourth of the cloth woven in York at the end of the fourteenth century is said to have been produced by women⁴, and the ordinances of the Weavers' guild (1400) provide that no woman should weave unless she were well taught and approved.⁵ In the time of Edward I. Wallingford contained as many as fifty women leaders.⁶ There seems, therefore, no adequate ground for the view that working women were mainly "unpaid domestic workers" following household occupations, rather than wage-earners supplying a market. The act of 1363 restricting craftsmen to a single trade did not apply to women, and incidentally throws light upon their industrial pursuits. "But the intent of the king and of his council is that wives, that is to say, brewers, bakers, carders and spinners, and workers as well of wool as of linen-cloth and of silk, hewers and breakers of wood, and all other that do use and work all handworks, may freely use and work as they have done before this time"⁷. The stress of competition, however, gave rise to an agitation against the employment of women workers. At Bristol in 1418 the complaint was made that weavers set to work or hired to others their wives, daughters and maidens, "by the which many and divers of the king's liege people, likely men to do the king service in his wars and in the defence of the

¹ Young, *Water-Supplies of London*, 38, 40; York *Manorial Book*, i, p. 1. At Coventry in 1336 "Alice Green, color-baker", was required to contribute to the bakers' guild; *Coventry Last Book*, 10, 70. Women were members of the Dyers' guild at Bristol (1390), *ibid.*, ii, p. 1.

² See *Canterbury Journals*, *passim*. The act of 1400 (*ibid.*, p. 180) applied to a daughter as well as to a son.

³ (1) Spinners: "If any spinner had her/hell gawed . . . the . . . town of Weareton . . . app. 1000l. (1293). (2) Dyers:—"If any damage be done through default of dying by any wife or woman of this said town." *Little Red Book of Bristol*, ii, 13 (1297). (3) Women wool-workers:—*Wages Book*, *Regents of London*, ii, 106 (1380).

⁴ York *Manorial Book*, i, p. 1070.

⁵ *Ibid.*, i, 741.

⁶ *Med. Soc. Econ. Hist. Rep.*, App. 57b.

⁷ E. Doorn, "Craftsmen," in *Economic Journal*, vi, 102.

⁸ *Statutes*, i, 36. At Coventry women are said to have been employed as hairdressers, needle-makers and makers of rib; *Coventry Last Book*, iv, p. 26. See also A. Brown, *Social England in the Fifteenth Century* (1896),

i, 5; *English Life and Manners in the Later Middle Ages* (1892), 103-104.

his land, and sufficiently learned in the said craft, goeth vagrant and unoccupied, and may not have their labour to their living"¹. Accordingly weavers were forbidden to employ women, except those who were now getting their livelihood from weaving. But since then a century earlier (1344), the London Guilders had refused to allow any woman other than the wife or daughter of a guildier, to be employed in their craft; and the prohibition appears in other industries². Sometimes the prohibition against women's labour extended even to a wife or daughter. In the sixteenth century the weavers of York ordered "that there shall no man of the said craft learn his wife, his daughter, or any woman, to weave in their said craft under pain of twenty shillings"³. As a rule a woman could exercise her husband's craft after his death, and even employ journeymen and apprentices. "If any franchised man's wove", ordered the authorities of York in 1369, "after the death of their husband be disposed to live sole without any other husband, that then it shall be lawful unto all such to occupy their husband's craft . . . and for take both journeymen and apprentices into their service"⁴.

Of the various industries in which craftsmen were engaged we hear most about silk-weaving. The London silk-weavers were certainly organized as an industrial body by the middle of the fourteenth century and probably earlier. In 1396 a merchant of Lombardy was indicted upon a petition presented to the king "by the poor women called silkwomen", on the ground that he engrossed all the silk raw and spun in order to raise the price. For this offence he was fined the enormous sum of two hundred pounds⁵. In 1396 the Commons petitioned the king that no one should be allowed to wear silk except knights and ladies, and those having an income of forty pounds a year⁶. They were evidently anxious to discourage the silk-weaving

¹ Little Red Book of Bristol, ii. 107.

² *Woolf Memorials* 221 (Suffolk); *Full Group Hist. Yorkshire* iii. 416 (Salmon 1702).

³ *W. Letters*, "York in the Sixteenth Century", in *English Hist. Review* ix. 212. ⁴ *Full Group Hist. Yorkshire* iii. 420.

⁵ *Chapman, Inquiry into Encroaching*, 175. ⁶ *Wotton, Treatise of Silk* are mentioned in the act of 1396. ⁷ *Eng. Hist.* ix. 212.

industry on grounds set forth as a subsequent petition, that silk "is no commodity nor thing shewing to the enriching of this land, but things of pleasure for them that like to have them"¹. We meet with the silk-weavers again in the next century, when they appealed to the king for protection against the competition of foreign manufacturers. "Whereas it is shewed . . . by the grievous complaint of the silk-women and spouses of the mystery and occupation of silk-working within the city of London how that divers Lombards and other strangers, seeking to destroy the said mystery and all such virtuous occupations of wemen in the said realm to enrich themselves and to put such occupations to other lands, . . . bring into the said realm wrought silk throwns, ribbands and laces, fillets and diversly wrought, various of silk and all other things concerning the said mystery and occupation, in no manner wise belonging any good silk manerwright as they were wont to bring hitherofore, to the fast destruction of the said mystery and occupations." The act of 1533 forbade the import of manufactured silk goods, and was confirmed under Edward IV and Richard III². It has been supposed that silk-women were aliens³, but the language of their petition clearly shows that they were natives and that their industry was of old standing. In this petition they asserted that they had been in the craft "within the same city of London that no man remembereth unto the contrary . . . and where upon the same crafts, before this time, many a worshipful woman within the said city have lived full honorably, and therewith many good households kept, and many gentlemen and others in great number like as there now be more than a thousand have been drawn under them in learning the same crafts and occupations", yet now owing to the competition of Italian commodities there was "great ill-will amongst young gentlemen . . . and laying down of many good and notable households". Silk-weaving, they added, was "convenient, worshipful and according for gentlemen and other wemen of worship . . . Every well-disposed person

¹ *Ibid. Pet.* v. 313 n. (1415).

² Statute in 304, 305, 476, 477.

³ W. Cunningham, *Alms Housecraft* (1852), 116.

of this land, by reason and natural favour, would rather that women of their nation bore and care blood and the occupation thereof, than strange people of other lands."¹

*Medieval
historians
view the gold
merchant
and the
craft guild.*

The relation between the craft guilds and the gold merchant in the early Middle Ages has been the subject of considerable controversy, and there is a remarkable divergence of opinion among historians. Here, as in the problem of the manor, the questions at issue cannot be set aside as matters of barren speculation, for they affect fundamentally many of our conceptions of early municipal history. Dr Bruntz has applied to England evidence drawn from continental analogies, and transplanted to English soil the features of the struggle carried on in foreign towns between rich merchants and oppressed artisans. According to this view, the merchant guild was a guild of wealthy traders from whose ranks artisans were excluded and forced into a condition of economic dependency. The craft guilds are represented as associations formed by craftsmen to protect themselves against the merchant guild and to obtain a share in its mercantile privileges.² A modification of this view would regard the merchant guild as comprised of the landed citizens, and the craft guilds as comprised of the landless industrial workers who came into existence by the side of the original body of landed burghers.³

*Medieval
historians
view the
gold
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craft guild.*

There is ample evidence that the relations between the different elements of the community, the *negotres* and the *minores*, were often strained, and that some conflict did take place in the towns, on this point the evidence of the Patent Rolls is valuable. In 1255 the commons of Lincoln presented a petition against "the mayor and others", alleging that the acquisition of citizenship was made an instrument of extortion; that the prices of the city were held secretly twice or three in the year instead of once a week;

¹ *Ibid.* Part v. p. 232.

² *Medieval Industry and Development of Gold* p. 140. "The whole history" of the craft guilds "is the story of the struggle in the fourteenth and fifteenth centuries against the merchant guilds for the right to share in the town's privileges."

³ *Antiquary, Economic History*, I. 22.

that the taxes of the town were not devoted to their proper use, that no account was rendered of the state of the finances, that many citizens withheld their share of the assessments, in consequence of which the king had twice taken the city into his hands.¹ In this long list there is no hint, however, of industrial oppression; the grievances are financial and unfold the familiar story of the rich governing the poor. In 1276 the commonsality of York complained that the smaller men were taxed to tallages, fines, contributions and assessments out of proportion to their means. Accordingly a royal mandate was issued to the "mayor, bailiffs and citizens" to make just charges, "but the king have to apply other resources."² In 1281 the mayor of Cardiff was charged by "the poor men of the town of Cardiff" with "divers injuries and grievances."³ In 1304 we get the complaint of "the poor men of the commonsality of the town of Lynn, that the rich who levy collections and tallages upon that commonsality and fees made with the king for matters touching the commonsality, collect more than the specified sums and often exact grievous distrains from the commonsality, which they convert to their own use."⁴ Again, in 1396 the "poor commons" of Yarmouth petitioned the Good Parliament that they might freely buy and sell according to the tenure of their charter, and not be oppressed by the rich (the great).⁵ The appeal for these legal rights is significant: they appear not as unfranchised commons seeking relief, but as the weak oppressed by the strong.

System
of commons
oppression

In the evidence that we have brought forward, there is nothing to support the contention that during the twelfth and thirteenth centuries the mediæval craftsmen were involved in any struggle with the merchant class. None the less it is contended that the craft guilds at their first

¹ *Forest Rolls* 1254-1259, p. 120.

² *Ibid.* 1259-1261, p. 121.

³ *Ibid.* 1271-1281, p. 124.

⁴ *Ibid.* 1281-1290, p. 126.

⁵ *Ibid.* *Forest* n. 129 n. 123. "There were also disputes as to tithes in 1212 between the rich and poor over tithing and other 'corrupt practices'." *Charter Rolls*, n. 12. *Ibid.* *MSS. Comm.* 12th Reg. Apr. viii. 216. For the prevalence of the commonsality of London (which was of a general character relating to financial administration, matters of bond and ale, and the like) see Gilbert, *Documents of London*, 122-23.

to the mayor. They agreed to accept the new ordinances drawn up by the authorities in conjunction with representatives of the Weavers and the Bardolers. They were allowed to retain their own court and bailiffs, but henceforth the mayor had the right to preside over the court if he wished, while the bailiffs were required to take an oath of obedience in his presence.¹ Not only did the municipality undertake to destroy the craft gilds, but it subjected the weavers to the most rigorous disabilities. The Laws of the Weavers and Fullers, which are now known to date from the reign of King John² show that at Winchester they were not allowed to sell cloth to non-burgesses, nor to engage in trade outside the city: "neither weaver nor fuller may buy even that which pertains unto his craft, unless he make satisfaction to the sheriff each year" for the payments due from his gild. It is added: "nor may any freeman be attained by a weaver or by a fuller, nor may they bear witness". It is true that we find hard cloth made at Winchester by freemen³, but this was at a later period and does not necessarily conflict, as is sometimes thought, with the earlier evidence. At Marlborough similar provisions were enforced: if a weaver sought to become a freeman of the city he had first to forewear his craft: "not may anyone weave or work except for the proved men of the town, or have anything of his own but what pertains to making cloth, worth one penny". Again at Oxford he could not weave or sell his own cloth without leave; and lastly, the Law of Winchester concludes with the important words: "and this law they have of the freedom and of the custom of London as they say".

An explanation commonly given of the antagonism between the weavers and the body of burgesses is that the former were almsmen, Flemings, who came over to England after the Norman Conquest and established the weaving

¹ Riley, *Later Charters*, i. 176 sq.

² These laws (which are contained in Riley, *Later Charters*, i. 176-177) have since been printed from an earlier MS. in 1209 in the *British Museum* by Leach, *Medieval Town Documents*, 499-500.

³ *Ascham's Journal*, in. 77; *South English Gilds*, 171. Similarly at Bristol in 1242 only burgesses could weave cloth: *Castle and Bosc*, ii. 4.

industry in this country? This hypothesis has little direct evidence in its favour. There appear to have been Flemish weavers in Yorkshire¹, and some of the Flemish mercenaries employed in the revolt of 1173 may have settled in this country². But, as we shall see, the cloth trade was widely spread, and the number of weavers dispersed throughout England in the twelfth century was considerable; it is improbable, therefore, that they were of alien origin, though definite Flemings were to be found in their midst. The fact that weavers refused to accept municipal control, and obtained royal charters to set up independent guilds of their own, does not prove that they were aliens, for the Corporation of Oxford, the Bakers of London, and the Fullers of Winchester also had their own guilds at the same period. The conflict between the weavers and the municipal authorities can best be explained on other grounds. The former were not debarred from civic rights because they were landless artisans oppressed by the rich, but on the contrary because they were rich enough to purchase royal charters and win for themselves an exceptional position. Attention may be called to the fact that at Oxford, at any rate, the weavers, fullers and dressmakers were not all landless craftsmen, at the very time when the Laws of the Weavers and Fullers were presumably in operation against them, they were holding land within the city which was their own whether to sell or to give away³. Accordingly the decisive factor in the situation would seem to have been not economic but constitutional. The weavers, fullers and hosiery of the different towns formed associations in the first instance to secure the monopoly of their trade, and to concentrate the tolls⁴ due to

¹ Riley, *Libra Cartularum*, I, p. 30, 32, collected by Gress, *Old Manchester* (1901), *Constitutional History of England*, I, 229, II, 421.

² *Med. County Hist. Yorkshire*, vi, 426-428.

³ G. T. Lapsley in *English Hist. Review*, xvi, 206, 212.

⁴ *Chancery Rolls*, I, 300. Grant in 1226 to the Hospital of St. John Oxford, "of the gift of Henry son of Albion all the tolls which his father bought from Richard the second" in the parish of St. Peter in the East within the walls of Oxford. Other craftsmen, holding land in Oxford, with a currier (1204, 1205), a dressmaker (1205) and a fuller (1205).

⁵ That the fullers of Winchester were required to pay each 20 pence annually to the king and 20 to the city clerk—presumably also those fullers were in the city treasury—*Archæol. Journal*, ix, 28. Orders that in 1204

the Crown had a fixed sum which they paid into the Exchequer. In addition, the right to hold their own courts would in itself constitute a valuable concession, it would enable them to retain in the common purse the fines levied on their members for trade offences. When the Weavers of London paid twelve pounds annually to the Exchequer, and the Weavers of Winchester and Oxford a mark of gold (six pounds), we may be sure that amounts so large were not paid for vague rights of patronage or the still vaguer right of royal protection and recognition, but really to avoid irregular and repeated exactions on the part of the king or the municipality. Nothing less than this serves indeed to explain the fact for which the gilds were liable. The relative value of money in the twelfth century is uncertain, though probably we must multiply by at least forty to get modern values¹. When we remember that the chaplain at Windsor was receiving but a penny a day², we may feel confident that the heavy composition paid by artisan weavers represented some very substantial expenditure. The privilege of founding their dues and holding their court carried with it other privileges, and the claim to a monopoly of their trade followed as a natural corollary from the principle, that those who sought to share their immunities must first be willing to share their burdens. On the other hand, when the burghers began to obtain a corporate existence and to build up an organized municipal system, they were necessarily driven into conflict with all who were reluctant to be absorbed into the common life of the town or submit to the jurisdiction of the borough courts. The root of the trouble, we would contend, was not that the merchant gild wished to exclude the weavers, but that the weavers refused to be brought within the merchant gild. They strove to escape its jurisdiction and to evade its taxes, they preferred to hold their own courts, levy their own assessments, and spend completely outside the municipality.

¹ *Ibid.* gives the rates of the Weavers and Tailors of Winchester, "at per burghum annuam solvunt" (Foot. County Hist. Hampshire, p. 499). This explains why London wanted control of its Weavers gilds in 1382 (the fact at 128-9 & 138-9).

² *Record. Papal in Papal Bull*, p. 116v. 11. (*Papal Bull Dec. 1213*), p. 102.

³ *Ibid.*

Just as the town magistrates imposed disabilities upon the tenants of ecclesiastical lands who refused to acknowledge their authority¹, so they displayed a similar treatment to independent holders of craftsmen. We are apt, in truth, to see everywhere privileges where the men of the thirteenth and fourteenth centuries saw only burdens. Guildship, the parliamentary representation, was originally not a privilege but a burden, and involved heavy responsibilities. The guildsmen of the earlier Middle Ages were concerned not how to keep men out, but how to bring them in², and normally the craftsman was admitted to their ranks if he paid his dues and assigned all pretensions to control his trade. It is certain, at any rate, that the merchant guilds were not confined to large dealers, and that craftsmen as a rule were freely admitted to the office of membership³. The guild rolls of Leicester and Shrewsbury show that we must interpret the word "merchant" in a wide sense, for in the earlier period it was applied to all who engaged in trade⁴. This definition includes the master craftsman who was not only an artisan, but also a trader, who bought the raw material and sold the finished product.

On the whole our conclusion must be that, speaking generally, the conflict between the twelfth-century weavers

¹ At Hereford, e.g., ecclesiastical tenants were seized and taken to prison with their chattels. *Journal of the British Archaeological Association*, 1897, p. 186. On the whole question, see supra, p. 186.

² Compare the following story at the tail of the Leicester guild merchant (1396): "Peter of Warthington charged that he brought and sold against the resistance of the Guild and that he was rich enough to enter the Guild (&c.) to support its burdens, who came and swore that his chattels are not worth one and so withdrew till another time." *Records of Leicester*, II, 30-31; also the flight of weavers, tailors and dyers from Warthington to escape taxes. *Ibid.* *Wool*, n. 2.

³ (i) Leicester. *Ibid.*, I, 39, 2002, 21 of *jurata*, 32. (2) Shrewsbury. The rolls of the merchant guilds have been printed by C. H. Dugdale in *Three Shropshire Archives* (see vol. III, p. 45, II, 21, 242, 27, 227). See also *ibid.*, *Old Market*, I, 127 for (3). At Shrewsbury weavers were members of the guild merchant. "The said weavers that now be not their predecessors before them have always been free burgesses and guild merchants in the said town." *Robert Curzon to the King*, 1396. At Hereford Edward III. changed the law paid by tailors, but the mayor refused to oblige on the ground that Hereford possessed a guild merchant with exemption from taxes and tolls, thus showing that the guild included craftsmen. *Letters, Richard First*, n. 2.

⁴ *Curzon*, I, 127 (n. 2); *Thompson*, *Studies of Commerce*, I, 321 (n. 2).

and burghness was neither racial nor economic¹, but constitutional. It is very much the product of the conflict between the Church and the towns. Abundant evidence has already been given to show that throughout the Middle Ages the municipalities refused to tolerate a divided authority, and struggled for centuries to bring all local jurisdictions under their control. The hostility towards the weavers, therefore, of its nature and extent have not been exaggerated, can best be explained by their attempts to establish legal immunities within the towns². In any case, the submission of the Weavers' gild in 1300 apparently removed the objection of the authorities to the formation of crafts, and there was a rapid development of craft gilds among

*A new
definition of
burgh*

¹ In his valuable contributions to *English Economic History First Series* has offered further evidence which may well seem important to economic appraisals. (a) Many towns purchased from John the right to sell cloth freely, and "it is clear that the ruling body succeeded in securing privileges against the authorities." (a) When one of King's Warrants were required to pay a tax on their homes, and the authorities also received stallage, the right "to monopolize or control the sale of the cloth." (c) The weakness of the citizens of London to refuse the king to destroy the Weavers' gild is a fact which needs explanation. (d) Again, why were the Fathers of London denied membership of rights with their brethren? (e) Lastly the monopoly of the gild merchants is shown by an entry in London to show reasons to wear cloth for men of other towns (*Rolls* January 1385, pp. 10, 11, *Summa Rectorum and Burghers* (1906), 110). I would urge, however, (f) that the restriction which the towns purchased was really the suspension of Richard I's statute of cloth (see infra, p. 304), and was not an attempt on the part of the merchants to obtain the monopoly of sale. (g) That the tax on homes was an ordinary local device which is found even in the fifteenth century (*infra*, p. 307), while the reservation of stallage means only that the weavers must continue to pay rent for their stalls or benches in the market place. (h) That the citizens of London wanted to put the Weavers' firms into their own hands, the extra tax made which they offered represented the payment, which they were willing to pay with the intention to incorporate themselves out of the ranks of the town. (*infra*, p. 314, n. 2). (i) That the Fathers were denied community of rights for the same reason that tenants of agricultural lands were afterwards denied such rights (*infra*, p. 304) viz. because they would not be amenable to civic control. (j) That the prohibition relating to the Weavers of London was part of a general "late twelfth" policy pursued by medieval towns, which sought to check both the commercial and the industrial activity of poverty competitors (see this point, see *infra*, p. 325). It was not therefore a type of economic oppression.

² It is probable enough that in a few towns various privileges may have been a disqualification for citizenship. Thus the Customs of Dover (1280, up to 1300) contained a clause: "Especially no tailor be admitted to the liberty in 1285, 1297" unless he shall be willing to align his business first. (*Early Text Book*, 1, 90). But the clause is unenforced and without of any rule made required to be observed (*ibid.* n. 2) (1297).

which the powers of the merchant gild would seem to have been paralysed out.¹ This would account for the general disappearance of the gild merchant in the fourteenth century. We get glimpses of the process of disintegration at Leicester, where in 1280 the fellows were made to swear that they would hold no private "meeting-speech" or "meeting". The fellows were evidently breaking away from the control of the merchant gild, and forming a separate organization in which to manage their own affairs. The break-up of the merchant gild was brought about not by legislation, but by the operation of economic forces; increasing specialization in industry was the fundamental economic cause which robbed it of vitality. It is true that the name, merchant gild, reappears later and is then often applied to an organization of merchants. But there is a gap of two centuries to be bridged, and the absence of any general record of its activity during the intervening period indicates that where it did not survive as the aggregate of craft gilds, it died from inaction.

*Diagram
showing
the close
relationship
and the
craft gilds.*

The relation between the craft gilds and the town authorities in the later Middle Ages is a problem of the utmost importance. It involves the fundamental questions how far medieval industry was shackled by external control, whether on the part of the municipality or the state, how far the restrictions imposed upon it were concerned in the interests of the community, and how far the craft gilds were able to bring pressure to bear upon the municipal government and manipulate it to serve their own ends. It will be as well to emphasize what has already been stated, that every city has its own history and that no one generalization can cover the whole field.² The position of the gilds in every town was marked by its own distinctive characteristics and individual features. The records of Norwich, Bristol, Coventry, and above all London, have cast a flood of light upon this aspect of our subject, and enable us to determine with some degree of confidence the relations which subsisted between the craft organizations and the municipality.

¹ *Great Guild Merchant*, I, 217.

² *Records of Leicester*, p. 98.

³ *Medieval History*, p. 200, for example, holds that the craft gilds "retained everywhere the independent government and jurisdiction over their trade".

Norwich was the control of the civic authorities over the gilds more complete than at Hereford. At first, indeed, Norwich set its face resolutely against the gild system, ¹ *by its* *refusal* and in 1196 induced Henry III. to insert a clause in its charter forbidding any gild "henceforth to be held in the city to the detriment of the city"². The opposition to the institution of craft gilds was not inspired by any sentiment of hostility to the artisans, nor was it an attempt at industrial oppression, it springing from the belief that they were organized with the object of raising prices and making themselves independent of municipal control. It soon became apparent, however, that it was impossible to check the growth of the gilds, and the alternative expedient was adopted of placing them under the control of the city magistrates. Accordingly about 1250 the craft gilds of Norwich received formal recognition, but the municipal government, in order to keep its power over them in its own hands, ordered the bailiffs "and twenty-four of the city commonly docted" to choose every year two members from each gild to search four times a year and present all defective wares to the bailiffs³. The authorities continued, moreover, to punish adulterine gilds instituted without their licence. In 1293 the Cobblers were fined for setting up a gild without leave "contrary to the prohibition of the lord king", and a similar punishment was inflicted upon the Saddlers and Ropers⁴. Henry III.'s charter afforded the rulers of the city an instrument by which they could compel every gild to acknowledge their rights of control, and could exact the most implicit obedience to their commands. They nominated the wardens of the crafts and received presentments of all faults and frauds⁵. Subsequently the wardens were chosen by the gild, but they were still sworn before the mayor to whom the power of appointment reverted, if the craft showed

¹ *Records of Norwich*, i. 18. Similarly the townsmen of Leicester were forbidden to form an association, and the purpose of the prohibition came out in the injunction that they ought to serve the community loyally and well. *Records of Leicester*, ii. 109 (1204-1207).

² *Records of Norwich*, i. 192.

³ *Statutes*, last jurisdiction on Norwich, 40.

⁴ *Records of Norwich*, i. 192 (p. 1266). i. 193 (1293). ii. 272. ii. 273.

(1248).

negligence in the exercise of its functions¹. The *gilds* were then completely subordinated to the governing body. They could not meet in assembly without licence², and could only frame ordinances for their mastery provided that the approval of the civic authorities had been first obtained³. They were not allowed to hold independent courts which might enter into conflict with the municipal court, or at any rate become an instrument for the exclusive control of their trade. "It is ordained that no *gilds* of crafts, fraternities or company shall make or assess any manner of fines for any manner of default within themselves, but all such defaults shall be presented unto the mayor", who was to make the assessment with the aid of some of the members of the craft concerned⁴. This last restriction was found also at York, where the civic authorities claimed the right to punish *gild* offences, and no members of any occupation were allowed to correct or punish defaults⁵.

The history of Norwich has a valuable parallel in that of Bristol. We find the same jealous scrutiny of *gild* ordinances and the same determination that these ordinances should not remain a dead letter. The officers of the Weavers and other crafts were bidden to make search throughout the mastery, and "if they shall find anything contrary to the prescribed ordinances, so often as they shall find it, they ought to show and faithfully present it to the mayor"⁶. This indicates that in Bristol, as in Norwich, the authorities refused to allow the *gild* the right of coercive jurisdiction over its members in matters of trade, and so weakened its power of resistance to their rules. How complete was the control of the municipality over the *gilds* may be seen from the significant words with which they ratified the ordinances of the Fullers in 1406: "Having always to the jurisdiction of us the mayor and council of

¹ *Excerpta of Norwich*, i. 103 (1292).

² *Ibid.* ii. p. 116a (1318).

³ *Ibid.* ii. 116a (1318).

⁴ *Ibid.* ii. 112. This was in 1321; apparently in 1322 the *gild* members had been allowed to judge defaults (though required to present them to the mayor), and the power being abused was now taken from them: *Ibid.* ii. 116a.

⁵ *Chron. Ricardus*, 107 (1398).

⁶ *Statute Book of Bristol*, ii. 4 (1346); similarly: ii. 183 (February 1376), etc.

the town, that if there be any ordinance, point or new addition touching the said craft which can be profitable as well to the town as to the aforesaid craft, that then by the advice of us and of the masters of the said craft they shall be amended and firmly kept, these ordinances notwithstanding".¹ As early as 1346 the ordinances of all the crafts were submitted to the mayor and council, "and in some respects amended by them".² The right of the town authorities to control the gilds was laid down in express terms in the ordinances of the Burgis (1406). "Reserving all time to the mayor of Bristol and to the council of the town, power to correct, to punish, amend and reform as well the masters and all other powers of the four crafts, each one after their deserving and trespassing as the one against the".³ New ordinances were enrolled among the town records and the gilds appear to have sought municipal approval of their own initiative, as expressing the stamp of authority upon their regulations. In 1429 the Weavers, and in 1439 the Barbers, asserted that their ordinances were violated because "they had not the ordinances aforesaid under the common seal for the more warrant, where through the craft is greatly hindered". They asked, accordingly, that their ordinances should be ratified "in writing under your common seal".⁴

Norwich and Bristol, the one a great manufacturing town, the other a great trading port, were the two chief cities in the kingdom after London. Another important centre of industry was Coventry, and here also the municipal records bear striking testimony to the supremacy of the civic authorities in the supervision and control of all economic concerns. In the fifteenth century, the masters of every craft had annually to submit their by-laws to the mayor, and ordinances "against the lawless oppression of the people" were enacted.⁵ In 1325 it was enacted "that every craft and occupation of this city that is a fellowship of them-

2-3 *At
Coventry*

¹ *Early Hist. Soc. of Bristol, v. 16, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000*

² *Ibid.* v. 10, p. 10.

³ *Ibid.* v. 10, p. 10.

⁴ *Ibid.* v. 10, p. 10.

⁵ *Ibid.* v. 10, p. 10.

⁶ *Coventry Hist. Soc., v. 10, p. 10.*

selves, that they bring in their books of their occupation at such time as master mayor commaundeth them, and such cases and rules as be unreasonable to be reclaimed by greater mayor and his brethren". At the same time it was added that all ordinances established by the craft gilds must be registered in "the mayor's book", or they would be void¹. This was intended as a precaution against any secret proceedings in the craft gilds carried on by collusion among the members. The authority of "master mayor" was also felt in other directions. He appointed keepers and searchers among the Candle-makers, Card-makers and Leather-binders²; he selected one of the two wardens in each of the victualling crafts³; he received presentments of defective wares, and he had "the oversight of the-making"⁴. In other towns also, we have evidence of the subordination of the crafts to the municipal government or the lord of the town. At Bury St. Edmunds, which was under ecclesiastical control, the "corruption of the craft" of Weavers sought the sanction of the monastery to make ordinances and correct abuses⁵. In Reading the mayor elected the wardens of the Tailors⁶; at Canterbury he appointed one warden in each of the crafts⁷; at York he corrected gild ordinances "at his pleasure", and, as was mentioned above, punished gild offences⁸; while at Beverley the town council registered the minutes, and allowed any craftsman dissatisfied with the accounts of his gild to appeal to the governors of the town⁹. Sometimes the municipality even took the initiative in forming a craft gild. At Northampton complaints were made that every tailor "extorts himself as good and skilful a master as another", and customers suffered from their lack of skill. Accordingly the authorities themselves forced an organisation upon the Tailors from above

¹ *City of London Rec.*, ii, 542.

² *Ibid.* in 1513 (Candle-makers, 1520), 710 (Leather-binders, 1520), 782 (Card-makers, 1520). ³ *Ibid.* in 1509 (1509).

⁴ *Ibid.* in 1504 (Butchers' debates were presented 1490) i 128 (1504, 1490).

⁵ *Hist. MSS. Comm.*, 8th Rep. App. viii, 111 (1472).

⁶ *Reading Rec.*, i 218 (1496).

⁷ *Hist. MSS. Comm.*, 8th Rep. part i, App. 270 (1490).

⁸ *York Minster Rec.*, i 186 (1486). *Deeds, Minsters*, 123 (1502).

⁹ *Beverly Town Documents*, 21 (1476).

(1444), in order to "lay down order and good rule" among them.¹

There are indications that some of the Coventry gilds were restless under the domination of the municipal authorities, and attempted to assert their independence and establish control over their members by using their in-spiritual courts.² There is no reason, however, for regarding this as in any way exceptional or as a sign of gild degeneracy: there was nothing remarkable in the fact that powerful bodies of craftsmen occasionally chafed under the disabilities to which they were exposed, or that they sought to shake off their restrictions whenever it lay in their power to do so. Nor need we suppose that on their part the authorities never for a moment relaxed their rigorous control over industrial life, but strenuously carried out the strict letter of their numerous and detailed regulations. In all ages the execution of laws has lagged behind the good intentions with which they have been framed. It is sufficient if we can show that, speaking generally, the authority of the municipality over the craft gilds was in theory almost invariably recognized and in practice very frequently enforced.

More significant than the instance just cited was the attempt of the Tanners of Exeter to rid themselves of the municipal yoke, and become an independent and self-governing body "dividing the mayor's authority". In 1466 they had been incorporated by Edward IV³ and given a common seal; shortly afterwards they were involved in a bitter quarrel with the rulers of the city, who condemned their charter "as prejudicial and against the liberties of the city". The Tanners were a powerful fraternity, whose members were "men of good wealth and countenance" and had seats on the council; they were therefore not inclined to make easy submission. The king was loath to intervene, and by his award (1477) the gild was ordered to make no ordinances prejudicial to the rights of the Church or the city. The city, however, was not satisfied and in 1484 petitioned

John Ho
at Ex-
petition

the
Tanners
of Exeter

¹ Records of Northampton, I. 271. For their control of the crafts, see also I. 132, 146, 152, 166. As Gloucestershire Guildbook, Gilds, 201 the members of the Gloucestre gild are made of obedience to the town council.

² Coventry Last Book, II. 301 (1477), see notes, p. 104.

parliament against the gild, complaining that the mayor no longer had the "suffice rule, oversight and governance of all merchants, retailers, drapers, grocers, tailors and all other artificers . . . and the correction and punishment of all offences within the city by them . . . or any other person there committed . . ." The petition was successful and an act of parliament abolished the gild. Afterwards a peace was apparently patched up, for the gild was again revived and no further trouble ensued.¹ The struggle of the Tailors for independence stands isolated, and the other gilds of Eborac to all appearance made no attempt at rebellion. The Cordwainers (1484) acknowledged the authority of the municipality with a deference which indicated their complete submissiveness to its rule, and the jealousy of the governing body of the town is shown by the fact that they were required to surrender every year all the powers of their gild and receive them again by the new mayor's grant. As with the gilds of Bristol and other towns, their ordinances were entered among the records of the city in order that they might be "firm and stable".²

Instances
of strained
relations.

We have another example of strained relations between a craft and the municipal authorities in the case of the Shoemakers of Oxford. The gild of Shoemakers was founded by a royal charter in the twelfth century³, and their monopoly of trade brought them into conflict with the town magistrates on at least two occasions. In 1322 they complained that the bailiffs allowed non-gildsmen to follow their craft⁴, while as late as 1373 they were committed to prison for refusing to submit their ordinances to the mayor, and for exacting heavy fees of admission from new members⁵. Again at York the Cordwainers, engaged in a struggle with the Weavers for precedence in the Corpus Christi procession, resisted the authority of the council for some years, until eventually the king himself was compelled to intervene⁶. As may easily be gathered, conflicts were most frequent where the

¹ Smith, *English Gilds*, 302-303. *Scholar Grant on the Gild Charter* l. 1-6.

² Smith, *op. cit.* 317, 324.

³ *Early Rolls*, v. 110, 11. 3rd. *Harvard* p. 221.

⁴ *Colchester Church Hist. Soc.* l. 22, 23, 24, 25. *Open Royal Letters addressed to Oxford*, 211.

⁵ *Archæol. Journal*, vi, 192. *English Records*, 376.

⁶ *Diocese, Manuscript Records of York*, 230 (*Archæol. Hist.* 722.)

victualling crafts—the butchers, bakers, brewers and fish-mongers—were concerned: for the victuallers, strong in their monopoly of primary necessities like food and wine, were under a constant temptation to set municipal control at defiance by going on strike. But the authorities had in their hands a weapon by which they could easily bring a refractory guild to its knees, the admission of non-freemen to the market. At Chester (1550) the bakers rejected the mayor's terms and refused to supply bread, but the mayor forced them to submit by confiscating their charter and allowing strangers to bake bread¹. The butchers also went on strike and would not provide meat, because 'foreign' butchers were admitted into the city; they were committed to prison till they promised henceforth to serve the city faithfully². A bakers' strike is again recorded at Coventry, where in 1484 they left the city 'desolate of bread', but were soon compelled to surrender to the authorities³. At York the butchers, taking advantage of the absence of competition, sold their commodities at excessive prices; accordingly the mayor for a while extended permission to dealers living outside the city to sell at the Thursday Market. If the city butchers placed any hindrance in their way, they were to lose their franchises and be committed to prison⁴. The struggle between the victualling crafts and the consumers is aptly illustrated in the records of the Coventry butchers. In 1547, and again in 1550, it was ordered that the butchers of the city should allow 'foreign' butchers and other victuallers to sell in the town on two or three days a week. But eventually the provision dealers triumphed over the free-trade party for in 1552 country butchers were excluded from Coventry and were henceforth "not to have any such liberty to sell their meat and victuals here, as they have had in times past"⁵. The carpenters of Coventry were less successful in resisting the competition of country craftsmen, for in 1553 the latter were permitted to carry on their occupation in the city without opposition on the part of the town guild⁶.

¹ *Mem. Chester* 418-19.

² *Ibid.* 421 (1550).

³ *Coventry Lat. Book*, II, 328.

⁴ *York Manuscripts Book*, I, 57.

⁵ *Coventry Lat. Book*, III, 746 (1552), 782 (1552), 803 (1552).

⁶ *Ibid.* III, 805.

(see) *at*
London.

London has always stood in a class by itself. Its wealth, dignity and commercial pre-eminence have enabled it with ease to outstrip its competitors, and to achieve a position that is unique among English towns. Its municipal development is therefore naturally marked by peculiar features which appear to have no exact parallel elsewhere. It was not inferior to Bristol or Norwich in the degree of obedience which it exacted from the guilds, and the rules of the crafts were brought to the governing body for their ratification. The Articles of the Butchers were approved by the mayor and aldermen "at the suit and request of the men of the said mastery"¹; and between 1487 and 1496 over forty companies submitted their ordinances to the civic authorities², when those rejected were cancelled and the leaves of the books, in which they were recorded, were cut out. The guilds were fined for any attempt to evade the control of the city; in 1495 the Pewterers "confessed that they had made ordinances among themselves without authority of the mayor . . . against the liberties of the city and against the common profit"³. Accordingly the ordinances, which appear to be identical with those borrowed by the Pewterers of York in 1496 for the rule of their craft⁴, were "annulled and utterly rejected", and a new body of rules substituted in their stead. In other directions also, we have evidence that the guilds were subordinate to the civic authorities. The ordinances of the Coopers were confirmed with a proviso which expressly reserved the right of the authorities to make any amendments if necessary⁵; the Cappers, the Cutlers, the Armourers submitted their wares for examination⁶; and the Corporation surrendered half their fines⁷. London had, however, to face problems, the legacy of its past history, which taxed all its energies and resources. Originally it

¹ *Letter Book B*, 173.

² *Letter Book B*, 39, 106, 146. The Butchers were fined for their ordinance in 1475-1544-1545. ³ Welch, *Pewterers' Company*, p. 2.

⁴ The ordinances of the York Pewterers (1496) which have survived were set down up separately, but borrowed from those of the London Pewterers. Miss Sellers has suggested that they are identical with those afterwards destroyed by the London authorities in 1598. *York Pewterers' Company*, p. 102-103. ⁵ *Letter Book B*, 174 (Cappers); *Letter Book B*, 175 (Armourers); *Letter Book B*, 176 (Cutlers).

⁶ *Letter Book B*, 174 (Cappers); *Letter Book B*, 175 (Armourers); *Letter Book B*, 176 (Cutlers).

⁷ *Letter Book B*, 174 (Cappers); *Letter Book B*, 175 (Armourers); *Letter Book B*, 176 (Cutlers).

was "only a bundle of communities, townships, parishes and lordships, of which each has its own constitution"¹, and through this gradually gave way to a more consolidated municipal system, it still retained survivals of its old form of organisation which were with difficulty absorbed into the civic constitution. It was brought into conflict in the thirteenth century with the 'Weavers' gild, and in the fourteenth century with the Fishmongers' gild, which had inherited pretensions of self-government and independent jurisdiction from the traditions of feudal times. At a time when London had not yet welded together the heterogeneous and autonomous elements out of which it was composed, these gilds had succeeded in establishing their own courts with a degree of strength that long defied all attempts at subjection. We have already devoted attention to the history of the Weavers; and that of the Fishmongers presents an instructive parallel. In the life of 1321, following upon a complaint raised in parliament the previous year at their monopoly², an indictment was returned against the Fishmongers that they claimed the right to hold a weekly court free from municipal control, and enforced as it regulations which were injurious to the interests of the community. "We have been given to understand that certain ordinances have recently been issued by London Fishmongers concerning the sale of fish

and that they hold among themselves for their own ends a certain court, which they call 'Hollmet', in which they have made these ordinances and conspiracies"³. The existence of a separate court made the Fishmongers practically independent, and enabled them to take any case in which their interests were concerned out of the hands of the civic authorities and try it in their own hallmet. It set up an *imperium in imperio* and reproduced on a smaller scale the conflict of jurisdictions between

¹ *Ibid.*, *Constitutional History* i. 410. But even these in turn had upon the existence of "a strong consolidated body", which "from the earliest times . . . could speak and act for the whole city". See *Ballard English Borough in the Thirteenth Century*, especially pp. 32-62, and Appendix IV.

² *Ibid.*, *Eng. Hist.* i. 325-6.

³ *Ibid.*, *Lib. Litterarum*, i. 397; *Lib. Altes*, i. 226, 225; *Statut. Justit. Curie Litterarum*, c. 37.

Church and State. Under Richard II. the monopoly of the Fishmongers, which even a century earlier had been a source of dispute¹, divided the citizens of London into two great factions, the victualling gilds, Fishmongers and Grocers, on the one hand, and the non-victuallers, Drapers, Tanners, Goldsmiths, Mercers, Haberdashers and Saddlers on the other². The Fishmongers were a more powerful body than the Weavers had been because they were attached to the very seat of municipal government. They controlled the majority and the common council at different periods³, and were able therefore to maintain unviolated their privilege of a hallmark and the exclusive monopoly of their trade. They refused to submit their charters to the authorities when ordered to do so in 1378⁴, and the Jubilee Book of Ordinances, drawn up by their opponents to limit their powers, was set aside in 1387⁵. So bitter was the animosity stirred up between the rival factions, that proclamation was made in 1391 that no one should pass any opinion upon the merits of the dispute⁶. But with the downfall of Richard II., who had extended to them his support, their position was greatly weakened, and under the Lancastrians they seem to have forfeited many of the rights which they had claimed⁷. The victuallers, while thus constrained to surrender their privileged position, were strong enough to retaliate upon their opponents by compelling the manufacturing gilds in their turn to submit their charters to the mayor and acknowledge his authority⁸. The fourteenth century thus marks a period of transition in the history of the London gilds. It opened with the subordination of the Weavers, and it ended with the subordination of the Fishmongers and all the other crafts, whose wealth or prestige afforded them exceptional

¹ *De Antiquis Legibus Libris*, 108 (1307).

² *Letter Book H*, p. 1. See also *supra*, p. 430.

³ For the list of Fishmongers who were members of London at this period see *supra*, p. 432 (a, b). ⁴ *Letter Book H*, 107.

⁵ *Letter Book*, *Memoranda*, etc.

⁶ *Ibid.* 108.

⁷ (a) In 1392 non-victuallers were allowed to buy and sell fish and other victuals, wholesale and retail, notwithstanding the patent granted by Richard II. to the Fishmongers. *Ibid.* *First* m. 422 a. (b) In 1395 the Fishmongers were ordered to submit their ordinances and to use no words except as before till they were confirmed. *Letter Book E*, 28.

⁸ *Letter Book H*, 122. This was during the minority of William de Burgh (1397-1399).

opportunities for resistance. Many of the London companies continued to hold a court with limited rights of jurisdiction over their members in imitation of the precedent set by the Weavers and Fishmongers, but they were one and all in complete subjection to the rule of the mayor.

From our survey of the position of the craft gilds in *Summary* different towns certain conclusions may be drawn. At first they appear to have been private and voluntary associations which struggled into existence in the face of vigorous opposition on the part of the municipal authorities, who regarded with jealousy their attempts to establish feudal immunities, and were apprehensive of an exclusive industrial monopoly which might prove detrimental to the welfare of the community. Subsequently, however, the authorities, impelled by the expansion of industry, changed their attitude and actively encouraged the formation of crafts and the development of the gild system, in order to tighten their hold over those engaged in trade and more effectively to exact a satisfactory standard of workmanship. It is worth while to notice that in the thirteenth century the gilds as a rule were founded by the municipality, and not—as in the former century—by the Crown, and as the account was the more amenable to its control. The craft gilds now became public bodies vested with semi-legal authority, an organic but strictly subordinate department of civic administration, supported and controlled by the municipal government, which always retained a reserve of power while delegating to them the supervision of trade and industry. Whatever degree of autonomy and separate judicial authority the gilds may have possessed, they were strictly subservient to the rulers of the town. We find the authorities electing gild officials, extending gild laws, punishing bad workmanship, interfering on behalf of the oppressed artisan¹, regulating wages² and fixing prices³.

¹ On these points, see *supra*, p. 129 seq. and *infra*, p. 158.

² p. [London: *Hist. Manuscripts*, 125 (1350).] p. [Chester: *Mem.*, 494 (1376), 495 (1380).] p. [Manchester: *Archæol. Journal*, 11, 79 (thirteenth century).] p. [Dublin: *Gilbert, Documents of Ireland*, 732.

³ p. [London: *Hist. Manuscripts*, 121 (1326).] Coventry: *Ant. Rec.*, I, 102 (1412). — *ib.*, 104, 105 (1413-1416). *Gilbert*: *op. cit.* 732. For accounts of Ireland, see *supra* and *infra*, p. 166.

Commons
formed
supplies
city of the
craft guilds

As the organs of constitutional and industrial control the crafts had thus a profound economic importance. Nor were they also without constitutional significance, for their influence reacted upon and modified the old English polity; they shifted the centre of political gravity and the possession of municipal offices from the landed to the mercantile interests. London especially was for a long time torn by the struggles of the crafts to obtain the control of municipal power. The aldermen of the city claimed the right to elect the mayor, but the privilege was contested in the thirteenth century by the commons. The *Chronicle of London* for the year 1263 describes how "that year Thomas Fitz-Thomas was again elected mayor by the populace, the aldermen and principal men of the city being but little consulted thereon"¹. In 1292 the commons aroused great disturbances when Walter Harvey for mayor, crying out, "We are the commons of the city, and to us belongs the election of mayor of the city"². Harvey evidently represented the crafts, for he conferred upon them certain charters without the consent of the aldermen and in defiance of their wishes. Later the aldermen tried to annul these charters on the ground that they were "manifestly to the injury of all the city", and Walter "convoked a great multitude of the people of those trades to which he had granted charters, telling them that the mayor and others wished to infringe their charters, but that if they would only adhere to him he would maintain them all in their integrity"³. Another conflict, as we learn from the *Reading chronicles*, broke out in the fourteenth century (1366), when Adam de Bury, the popular leader, was deposed despite the strong opposition of the people, who cried out that they would have no other mayor, and his successor was elected by a small body consisting of the aldermen and "the discreet citizens"⁴. The contention between the craft guilds and the municipality grew increasingly more intense, as membership of the craft became the chief avenue to citizenship. There were various

¹ *The Antiquary* (London Edition), 28.

² *Ibid.* 126.

³ *Ibid.* 126, 127; *Story, Chronicle of London*, 184 seq.

⁴ *Chronica Johannis de Reading*, 175.

ways of obtaining the franchise, and the most important of these was by admission into the gild.¹ At London, Bristol and Chester², no stranger was to be admitted to the freedom of the city without the consent of the merchants or craftsmen of his occupation; this rule served at first to strengthen the position of the craft gilds, but was liable to abuse as a means of checking the competition of strangers, since only a freeman could exercise any mastery or trade.³ In other towns also, apprenticeship was the usual qualification for the acquisition of civic rights, and as a result the municipal government must have been largely identified with and dominated by the craft element. In 1351 and 1352 the members of the London common council, who had previously been elected from the wards, were now elected from the masters⁴, a sign of the growing prestige of the gilds. In 1356 power was again transferred from the wards to the masters, and it was ordained that the council should always be chosen by the latter.⁵ However, in 1364 the older system was restored⁶, and to the present day the wards still retain the right of election. There was evidently a reaction in this year against the influence of the masters, for they were forbidden to elect to the council more than eight persons from the same mastery⁷. In 1475 it was further enacted that two aldermen of the same mastery could not be nominated together for the mayordom⁸. Again at York (1508) the members of the common council were chosen from the craft gilds, two from each of the thirteen principal

¹ *First Report of the Municipal Corporations* (1835) 18-19. Other methods were by gift or purchase, and by birth or marriage. Admission to the gild would be of value mainly through apprenticeship. As Bristol in 1590 it was still possible to obtain citizenship by purchase or by marriage with the widow or daughter of a burgess. *London, Municipal Records*, 32. Similarly at Northampton. *Ibid.* 1370.

² [3] London: *Gilds, Livery Companies*, 1, 216 (1351). [4] Bristol: *Latin Red Book*, 1, 106 (1351). [5] Chester: *North*, 316 (1351).

³ On the other hand a gild could not admit a "burgess" unless he took up the freedom of the city; and in 1375 the members of Chester were fined for admitting a free burgess (*North*, 316, 317). Similarly Bristol (1351): *Latin Red Book* 1, 2.

⁴ *Ibid.* 1, 30.

⁵ *Ibid.* 1, 37.

⁶ *Ibid.* 1, 37. The statement in *London Livery Companies*, 1, 216 that the Common Council at that time had 20 aldermen among their members is a mistake. The highest number for any one year is 9. *English Red Book*, 100, 101.

⁷ *Ibid.* 1, 150.

crafts and one from each of the fifteen "lower crafts"¹; while at Beverley (1299) only members of the livery could be elected as governors². The close relation between the craft guilds and the municipal body was shown in another way when the crafts served as the basis of municipal activities. In an enactment of 1227 the inhabitants of Wallingford were grouped according to their occupations as masons, glovers, shoemakers and the like³. This does not necessarily imply that the various trades were already organized in guilds, but in London and Coventry at any rate the crafts were sometimes utilized for purposes of military organization⁴. With another aspect of the problem we are considering—the interaction of the craft guilds and the municipality—we need only deal briefly. That the crafts were able to bring pressure to bear upon the municipality is doubtless true, when every craftsman was required to be a citizen⁵, they would naturally include in their ranks the leading men of the town, who would be able to manipulate the government of the city and utilize its sanction to fortify their own authority. In this way we can to some extent explain the successful opposition of the masters to the journeyman guilds. But it is idle to suppose that the craft guilds were able with impunity to set at defiance the interests of the community, or issue ordinances at will unbacked by authority. On the contrary, sufficient evidence has been given to establish the contention that they were constantly called to account for injurious encroachments. At no period in the Middle Ages were the powers of the municipality ever completely absorbed by the guilds; at no period did the municipality ever lose its separate and distinct identity. It is true, of course, that the governing body of the town did not itself always represent the community, and from a constitutional standpoint tended to become narrower and oligarchical. But from the economic standpoint it does appear on the whole to have represented the community.

¹ *Domesday Book*, 107.

² *Beverley Town Documents*, 30.

³ *Ibid.* 1105. *Curia Regis*, App. 396.

⁴ (a) London: *Williams, Annals of the Founders Company*, 112-127 (1460). (b) Coventry: *Lat. Book*, 1-544 (1297).

⁵ *Ibid.*, p. 396-400, 51.

and its control of the market, its supervision of the gild and its correction of the abuses were all in the best interests of the general body of consumers within the town.

Some writers have endeavored to establish a connection between the gild system and trade unions¹, but there are many striking differences between medieval craft gilds and modern trade unions, not only as regard to membership but also in functions. In one respect they are similar, for both alike are industrial organizations concerned ultimately with the same fundamental purpose, the maintenance of "the standard of life"². The chief object of the trade union is to organize the workers, in order to raise the standard of living and by the co-operation of forces prevent the degradation of their social and economic status. The craft gild was no less concerned with securing to every one of their members opportunities for a fair and just remuneration of their labour. Both bodies rest in principle upon the conviction that combined action can alone ensure adequate maintenance for the workers; in this degree the trade unions carry on the tradition of the older gild system. Here, however, the resemblance ends.

(i) The craft gilds comprised only skilled artisans, but outside their ranks lay an ever-growing body of unskilled workmen, devoid of organization, in receipt of inferior wages, and altogether on a lower plane than those more favoured fellows. The craft gilds were, in fact, select bodies whose members were the competent men of the trade, and at no time apparently did they contain within their ranks the whole body of workers within the town.³ It is this aspect of the gild as an exclusive organization restricted as a general rule to skilled workmen, that constitutes one of its most essential characteristics. The class of "unorganised" labour, or "working class", grew as the gild began artificially

One
portion of
craft gilds
and the
others

excluded
members
ship

¹ Cf. Hensell, *Conflict of Capital and Labour* (1895), 49. "Trade Unions are the real and legitimate descendants" of the craft gilds.

² B. and B. Webb, *History of Trade Unions* (1911), 10.

³ As early as 1296 the London Corporation derived just from apprentices (Baker, *Labour Customaries*, i, 98) which would imply that many engaged in the trade were shut out of the craft organizations. See also earlier p. 149-150, e.g. at 129 (p. 12); Green, *Trade Life*, i, 181-182.

to limit its membership. It must also be borne in mind that membership of a craft gild was confined to those who enjoyed citizen rights. In practice, however, this limitation was unimportant, since admission to the gild enabled the stranger to attain burgess-ship as a matter of course.

Source in
Mills/1901

(d) Again the craft gild was distinctly an urban institution, an industrial group consisting of the men of a particular locality. Normally its membership extended only to those who dwelt within the walls of one and the same town: this was in accordance with the characteristics of an age in which economic life was organised on the basis of the borough and the manor. We must avoid, however, the temptation to lay down hard and fast rules. There are grounds for believing that the craft gild sometimes included country workmen. The crafts of weavers and fullers at Coventry would seem to have comprised non-resident members¹, and this may also have been the case among some of the gilds of Norwich.² However this may be, the members of a trade union are drawn from a wider area, which may even cover the whole kingdom. This difference measures the whole extent of progress from one stage of social evolution to another, from the city state to the country state.

Comp.
modern
guild or
gild.

(e) Further, membership of the medieval gild was not voluntary but compulsory; and the authorities of the gild were empowered to force every skilled artisan to become a member. The modern trade union is a voluntary association of workmen based upon community of interests and the sense of solidarity.

Comp.
modern.

(f) But the vital difference between the two institutions is that the craft gild did not consist, like the trade union, of one grade of producers only, the hired worker, but of all grades: the manual worker, the middleman and the entrepreneur. The modern trade union is a combination of manual workers; while the gild embraced also the

¹ *Coventry and Leam, in 1292* (1931, 1932) (1933). "That no labourer was to give work to weavers" (of the city or of the country), unless they were members of the craft gild.

² *Records of Norwich, n. 284*. "The wardens were to hold assemblies of those craft of those that be citizens and some other that dwell in the year at the least". This suggests membership, though (less probably) it may refer to non-members.

masters. The master craftsman of the gild system played in his time many parts. He was at once an artisan and an employer of labour, a manufacturer who worked up the finished product and a trader who disposed of his goods directly to the consumer, a capitalist who provided tools and a small store of capital, and an entrepreneur who sometimes supplied also the material or even anticipated the demand of the market. The gild system worked well, because in the earlier stages of its development there was little occasion for extreme antagonism between the employer of labour and the wage-earner. Capital, as we have seen, did not play in medieval industry the predominant part which it does at the present day, and the journeyman had reasonable prospects of achieving his independence. There were no permanent classes of employer and employee, the one rigidly divided from the other by an almost impassable barrier of wealth and social status. These conditions facilitated the harmonious co-operation of the different groups engaged in production, and rendered possible the efficient working of the gild system. It is true that the control of the gild would rest primarily with the masters, but the interests of neither apprentices nor journeymen were neglected. An apprentice who suffered ill-treatment could appeal for redress to the authorities of the gild¹, and an employer who withheld his servant's wages beyond the appointed day of payment was either suspended from his craft or otherwise punished². Moreover, wages were determined not by the individual master, but by the authority of the gild³. The obvious drawback to this practice as Godea was that wages might tend to become stereotyped and remain fixed at the appointed maximum; on the other hand it prevented a master from exploiting his men by paying them less than the customary minimum. Again, whenever strife or discord broke out between master and man the warden of the craft was called in to arbitrate

¹ *Ibid.*, p. 126.

² *Early Manuscripts*, 303 (John Gower, 1361), 304 (Preston, 1361), Young, *Master Journeymen of London*, 175 (1326), Lambert, *The Thousand Family Gild*, 115 (1300), 117 (1301), 117 (1302).

³ *Ibid.*, p. 126.

between them. If a servant refused to obey their ruling, he was not to be employed until he made submission; while if the master were "found in default", he was to be punished "after the discretion of the wardens and twelve controllers or the more part of them".¹

London m.

(5) Apart from differences in the constitution of the two bodies, there is a striking difference in their functions. The trade union is concerned with the interests of the workers, and not those of the public as such. It has been defined by the *Apostrophe of Trade Unionism* as "a continuous association of wage-workers for the purpose of maintaining or improving the conditions of their employment".² Trade unions are thus at present primarily fighting organizations, though in some cases they are beginning to display a growing sense of responsibility for the work done by their members. The craft gild, on the other hand, showed care not only for the manufacturer but for the customer, reconciling as far as possible the interests of producer and consumer, and creating an sound workmanship, good quality and a just price reasonable alike to buyer and seller. In order to ensure an adequate standard of materials and technical skill, the wardens of the gild enforced apprenticeship, started the competence of strangers and carried out a rigorous system of search. Of the other functions served by the craft gilds, religious, educational and the like, we have already spoken.

*Some
points
to note.*

(6) Lastly, the craft gilds were semi-public bodies, subordinate but integral parts of municipal administration. At the same time they were in theory and largely in practice under the control of town authorities, and their efforts to emancipate themselves from this control were severely checked. Occasionally also the gilds were employed as agents of national supervision. We have seen how many London companies were visited with rights of search at all the fairs throughout the country³, and as early as 1290 the wardens of the Goldsmiths were empowered by statute to make search among their craft⁴. In the latter half of the

¹ *London and Middlesex Archives*, Sec. vi, 25.

² Webb, *Trade Unions*, 2.

³ *Ibid.*, pp. 227-229.

⁴ *Statute*, 2, 120.

fifteenth century the craft gilds in all parts of the country became the recognised channels through which the central executive carried out some, at any rate, of its economic functions; and they were entrusted with duties afterwards assigned to justices of the peace. Thus, in the well-known act of 1463 "the masters or wardens for the time being of every craft or mystery in every city, borough, town and village", were given authority to search for wares imported into this country by them¹. The following year elaborate regulations were laid down as to the size of cloth, and the rulers of the gild were made responsible for their execution². In this way the position of the craft gilds was fortified by state recognition, and their dignity, prestige and strength were proportionately enhanced.

The first sign of the disintegration of the old gild system was marked by the appearance of the yeoman or journeyman gilds, which were associations of wage-earners formed within the craft gild, but maintaining a separate and, where possible an independent existence. This combination of hired workers in revolt against their employers was a symptom that the harmonious relations between masters and men were breaking down under the stress of industrial competition and the pressure of new economic factors. The ultimate reason for the rise of the yeoman gilds lies in the fact that the journeyman were sliding into the position of permanent wage-earners, and found their prospects of economic advancement rendered increasingly difficult with the growth of population and the gradual development of a capitalist system of industry. The small master remained from the ranks of the journeyman did not indeed disappear, and in many handicrafts was well able to hold his own until the Industrial Revolution achieved the final triumph of the capitalist employer. But in the fifteenth and sixteenth centuries a permanent class of wage-earners began to emerge among men who had "sufficient cunning and understanding in the occupation and exercise of their craft", but lacked

The
yeoman
gilds.

¹ Statute, ix. 107. For the act empowering several masters of York to make search throughout the county: *ibid.*, p. 422.

² *Ibid.* = 428.

the guilds to "occupy the craft to their own proper use, increase and advantage"¹. It is true, again, that the more enterprising journeymen were constantly being absorbed into the lower grades of mastership—and this largely explains the weakness of the movement as a whole—but the greater number among them were condemned to remain outside the ranks of the employing class. The interest of guild development in the later Middle Ages largely centres round this new grouping of industrial forces, and the consequent struggle which ensued between the different elements in the craft guild. It is the purpose of the present section to trace (i) the causes to which the poorer guilds owed their rise, and (ii) the reasons for their failure to establish a stable and permanent organisation among the hired workers.

Labour
disputes
over wages

One chief source of contention, as we may readily imagine, was the labour question, and disputes over conditions of employment, whether as respect of wages or hours, figured prominently in all controversies between masters and men. The employers alleged that the journeymen extorted excessive wages and refused to work at the customary rates of pay. These complaints became frequent after the Black Death, and the demand of the workmen for higher wages coincided with the rise in the cost of living, though it was partly inspired by a desire to share in the material prosperity of the agricultural labourers. The Cobblers of Bristol complained in 1364 that they were "now well-nigh impoverished by the excessive price of their servants of the aforementioned craft, who are loath to be attendant to the said craft unless they have too outrageous and excessive salary, contrary to the Statute" of Labourers². In different parts of the country artisans were fined for alleged extortion³, indeed, it has hardly been sufficiently recognised that the problems which confronted the employers of rural labour after the social upheaval of the fourteenth century had their exact counterpart within the towns. The attempts of parliament to check the rise of wages were recorded by the guilds as the

¹ Stat. West. Comm. 14th Sep. App. 90, 121.

² *Letter Book of Bristol*, ii, 17.

³ *Wilmington*, 1390; *Stat. West. Comm.* 16th Sep. App. 121; *Tuckwell*, 1391; *Fair County Stat.*, *Forksides*, i, 228.

industrial sphere. The ordinances of the gilds of York in particular disclose a repeated effort to keep down wages, and the masters were forbidden under the penalty of fines to give higher remuneration than allowed by statute. This tendency to prevent the advance of wages was widespread¹, and the journeyman gilds were accordingly regarded by the masters as nothing less than confederacies to raise wages. In 1441 the London Bakers asserted that their servants had a brotherhood and livery, and were demanding higher wages "than they were wont to have of old time"². Again at York the masters complained that, while they were willing to pay their workmen "according to established custom and ancient rule", the latter formed unlawful confederacies expressly for the purpose of fixing wages³. That the opposition to the peasant gilds was inspired primarily by the conviction that they were intended to raise wages is shown by an ordinance at Coventry (1258), which ordered the masters to turn no fellowship "and to take such wages as is limited them by the statutes"⁴. In determining the merits of these disputes between masters and men, it is often difficult to discover whether the trouble over wages arose from the refusal of the journeymen to serve at the old rates, or from the attempts of the masters to compel their men to accept less than the usual rates. Two instances are recorded at London, where the journeymen sought to raise their wages and the masters were compelled to accede to their demands. According to a statement made by the Sheriffs in 1332, they were wont to employ their workmen at three rates in addition to their board: Christmas to Easter, threepence per day; Easter to the feast of St. John (June 24), fourpence; St. John to the feast of St. Bartholomew (August 24), threepence; St. Bartholomew to Christmas, fourpence. But the men now were no longer willing to work except by the piece, "and then do so greatly hurry over the same that they do

¹ *York Minsterhouse Book*, i. 25, 107. *Little Red Book of Bristol* d. 26. The statement in *York Minsterhouse Book* is supplementary to Statute (1258), c. 2, and may itself be a 15th-century text, workmen had the same interests, and that the demand for higher wages would not occasion trouble between them, is not borne out by the evidence of craft ordinances.

² *Little Red B.* 107.

³ *York Minsterhouse Book*, i. 120-2 (1495).

⁴ *Coventry Ch. Rec.* in 223.

great damage to the folk to whom such cloths belong: by reason whereof the masters in the said trade have great blame and abuse, and take less than they were wont to do."¹ The masters therefore petitioned that their servants should work "according to the ancient usage", and not contend with the wages they formerly received.² On another occasion (1506) the Saddlers complained that their journeymen had raised wages so high, that whereas at one time the masters could hire serving men for forty shillings or for five marks a year and their board, now they were required to pay ten or twelve marks or even ten pounds a year.³ On the other hand, when the grievances of the Weavers of Coventry were submitted to arbitration in 1524, the decision was given that the serving-men were to "have the third part of the payment for weaving . . . as they used to have."⁴ This may mean that the journeymen had been striking for higher wages and had failed in their efforts, but it is possible that they successfully resisted an attempt on the part of their masters to lower their wages. A clearer instance is that of Chester where the company of Wrights and Slaters oppressed their workmen, paying them "such wages they be not able to live on". They were therefore ordered "to give from time to time such wages as shall be appointed by the mayor."⁵ We have here unmistakable evidence that the masters themselves were not unready to value their opportunities in their own interests.

and hours.

Disputes over the hours of labour can be illustrated from the admonitions of the Cappers of Coventry. In 1496 they appointed a twelve-hour day, fixing the time between six o'clock in the morning and six at night, and they also made compulsory an eight-days' notice. In 1500 they lengthened the working hours from 6 A.M. to 7 P.M. in winter and from 5 A.M. to 7 P.M. in summer, while the serving-man was now required to give fourteen days' notice. This extension of the working day met with opposition from the journeymen, and in 1506 they were admonished to "keep their hours

¹ *Early Memorials*, 107.

² *Ibid.* 107.

³ *Coventry Last Book*, i. 74.

⁴ *Monks, Chester*, 436 (1524). ⁵ *Monks, Industrial Organization* (1914), 20.

and times in being at their work," the masters being allowed to collect their wages "according to the time of their absence."¹ The series of enactments is restrictive because it enables us to trace the sequence of cause and effect; it shows that the masters in raising the hours of labour were themselves pursuing an aggressive policy. If the ordinance of 1262 alone had survived it would have led us to suppose that the journeymen were using their organisation to bring about a reduction of their hours of working, and not, as was actually the case, simply to prevent their increase. We must not, therefore, readily assume that the journeymen gilds were invariably on the offensive; it is clear that they were called into existence as much by the fear of economic degradation as by the hope of economic advancement.

Another source of friction lay in the jealousy with which the masters of the different and distinct crafts viewed the potential rivalry of their journeymen. Their anxiety to limit the field of competition led them to adopt measures which were injurious to the interests of their hired workers, whose prospects of independence were mutually impaired. Accordingly a struggle began, in which the masters strove to keep the control of industry in their own hands, and the wage-earners sought to challenge their monopoly and set up as independent producers. The Leatherworkers of London complained in 1462 that, when apprentices had served their term, they refused to become servants of their masters "for reasonable wages as their masters did before them", but took apprentices and a house or shop.² In order to check the practice, the gild compelled the masters to pay a fine of five shillings for every apprentice in their employment. Another method of restricting competition was by granting a promise from apprentices that they would not become masters, or by exacting heavy fees for admission to the freedom of the city, without which no one could legally carry on his business.³ Journeymen were forbidden to keep servants or apprentices⁴, to work for any one save their

*System of
of 1262
policy*

¹ *Crusader and Hist.* ii, 314 (1262) ; iii, 675 (1262), iv, 625 (1262).

² *Black, Leatherworkers' Gildbook*, 39.

³ *Ibid.* p. 360. Cf. also the conspiracy entered of these journeymen, p. 360.

⁴ *For, Medieval Trades of London*, 73, 87 (1465).

masters¹, or to undertake private work at night or by night "for their own profit"², and they were prohibited from working part of the week for a master and the rest of the time on their own account³. The Cappers of Coventry (1496) inhibited their journeymen from making caps of their own, or for any one except their masters. The wain, however, refused to comply with the restriction, and in 1520 the prohibition was repeated that they should not compete with their masters or work caps in their own houses. So restrictive were the masters to exclude all rivalry and keep their trade to themselves, that they agreed to boycott spinners who worked for journeymen, and not to employ journeymen who made their own caps in defiance of the ordinance⁴.

Other
cases
of strike

Other cases of strike appeared from time to time, for where the clash of interests was inevitable occasions for dispute were never wanting. The journeymen complained of the disproportionate increase in the numbers of apprentices, which diminished their own opportunities of gaining a livelihood or accumulating sufficient capital to set up on their own. One of the terms of the agreement concluded between the masters and journeymen of the Coventry Weavers in 1494 was that every master should have free licence to employ as many apprentices as he pleased without challenge; it is evident that trouble had arisen over the number of the apprentices, in which the journeymen were now beaten. On their side the masters alleged that journeymen were unruly, difficult to control, and reluctant to show due respect to their authority⁵. One specific charge levelled at the journeymen was that they absented themselves without leave from their work, "departing themselves in the streets for two or three days a week"⁶, or left their service without "reasonable warning given to the master"⁷. The Shoemakers of Norwich (1490) complained

¹ *Red Paper Book of Colchester*, 24 (Hamp. Hist. Soc. VIII).

² *Eng. or. of 1411*; *Vint Memorandum Book*, v. 69, 176.

³ *Ibid.* i. 48 (late fourteenth century).

⁴ *Coventry Latt. Appt.*, 2. 171 (1496), 3. 4-11-12 (1520).

⁵ *Ch. Records of Worthington*, 2. 170.

⁶ *Anti Red Book of Bristol*, 2. 107 (1492).

⁷ *Lambert, Five Thousand Years of Guild Life*, 129 (1475).

that their journeymen were greatly disposed to idleness and maling, and "diverse days weekly . . . leave their busshly labours till a great part of the week be almost so expended and wasted"¹. The other description of gild activity among the London Bakers (1596) is portrayed in the picture drawn of the journeyman who refused to keep his master's house all the week day, "by reason whereof he durst lose his customers", and who "goeth out at his pleasure and cometh in at his will again without asking of any leave of his master"². It was also said that the journeyman indulged in drinking and became unfit for their work. The London Bakers complained in 1491 that the servants of their craft had "a revelling hall and a drinking there by the which many of them be not able to do no good work a day after, whereby the householles be greatly hindered of their work"³. From these mutual recriminations on the part of masters and men one clear fact emerges: the gild system was beginning to work badly because it no longer answered to the needs of the time. The internal relations of the craft gild were harmonious as long as the interests of the different elements, of which it was composed, coincided. But the expansion of industry had disturbed these relations, and in the effort to reconcile them, a new adjustment of forces became necessary.

It is scarcely profitable to attempt any generalisations as to the relation of the journeyman societies to the craft gilds, and as to the position assigned to the journeyman within the craft itself, in view of the meagre nature of our evidence. It is clear, however, that the difficulty created by the existence of two separate and largely rival organisations would tend primarily to be one of friction. The masters endeavoured to control the funds of their subordinates and devote them to their own religious purposes. This became the dominant issue over which the struggle was fought, involving as it did the very independence of the journeyman itself. At Oxford the master Shoemakers kept the funds of the journeyman in their own hands. The journeyman

relations between the journeyman gilds and the craft gilds.

¹ *Journal of Norwich*, p. 174.

² *Trench, English Corporations*, 175.

³ *Letter Book E.*, 1491.

objected to this arrangement, and after much "wode debate and controversy" the control of the common box was voted as the befall of the town.¹ As a rule financial disputes rested over the maintenance of lights and torches upon the aldermen of wards. At Hereford, where trouble arose over this matter, the journeyman Shoemakers complained that the wardens withheld their accounts.² Again, at Bristol "divers debates and variations" were occasioned between the masters and journeymen of the Cordwainers as to the firing of torches; and it was settled that the wrong-men should maintain their own lights, collecting money among themselves for the purpose.³ At Coventry the journeyman Weavers were required to pay twelvypence to the chief master for every brother admitted into their fraternity,⁴ and at Exeter the journeyman Tailors had to contribute to the maintenance of lights and a priest.⁵ Our fullest knowledge of the controversy is derived from the records of Northampton. Every master "at his entry into the livery of the masters" paid eightpence towards the maintenance of the torches, and every journeyman "at his entry into the livery of the journeyman" paid twopence. "And forasmuch as the masters and journeyman have stood in variance before this time whether the said money should be paid to the maintenance of the masters' torches or of the journeyman's torches, now therefore the said masters and journeyman by their common assent be accorded and agreed in this wise for evermore, that all the said money shall be put in common as well to the maintenance of the torches of the masters as to the torches of the journeyman without any serviance."⁶ A further question arises as to how far the journeyman had any voice in the control of the gild and the election of wardens. There was undoubtedly a growing tendency for the control of the gild to pass into a few hands, and the domination of an oligarchy meant the extinction of the journeyman from any share in the direction of affairs.

¹ *Records of Oxford*, i. 524.

² *Old MSS. Chron.* 1278 Sup. App. vi. 302 (early sixteenth century).

³ *Early Hist. Book of Bristol*, n. 125 [1452].

⁴ *Coventry Ind. Book*, v. 22.

⁵ *Smith, English Gilds*, 312.

⁶ *Records of Northampton*, i. 173.

tion of affairs. This must have been resented by the journey-men and it constituted an additional source of friction. The Weavers of Hull denied their servants any voice in the election of their aldermen or other officers.¹ In London the journeyman Weavers complained in 1494 to the Court of Aldermen that they had been accustomed to elect wardens of the company, but that the masters had the last six years claimed that the election belonged to them; their contention, however, failed to win support and judgment was given against them.² Again, in 1498, disputes arose among the London Butchers over the election of wardens and a verdict was recorded on behalf of the livery.³ But at Beverley the "journeyman butchers" of the Weavers' gild were allowed to vote,⁴ while among the Cordwainers of Exeter the journeyman were directly represented in office, since the Cordwainers appointed their wardens, half from shopkeepers and half from journeyman.⁵ It was not always the case, therefore, that journeyman were devoid of all share in the craft gild or were without "voice in its proceedings,"⁶ but the tendency would be more and more to restrict their right of interference in the government of the gild.

The journeyman gilds were often formed under colour of a religious protest, and the influence of the Friars was a noticeable factor in their formation.⁷ In 1437 the yeomen Tailors sought permission to meet once a year for religious purposes, but the petition was refused, "although it is sought and prayed for under a pious pretext of goodness", on the ground that it might lead to disturbances.⁸ We get occasional glimpses of the constitution of the yeomen gilds, from which it is evident that they were organized on the model of the

Constitution of the Journeyman Gilds

¹ Lambert, *Two Thousand Years of Hull* (Lph. 1915) 149-150.

² *Letter Book B*, 100.

³ *Letter Book A*, 47.

⁴ *Howe MSS. Corpus, Beverley*, 32 (1498).

⁵ *Beauch. Register* 1262, 127 (1497).

⁶ While Trade Unions, p. 2, would regard the journeyman as having no "voice in the proceedings".

⁷ For the London Cordwainers, see *op. cit.* p. 117. Another example appears to be that of the York Cordwainers whose journeyman said "as the Friars Preachers". *York Memorandum Book*, 1-100.

⁸ *Letter Book F* 183. *Guide, Memorials of the Worshipful Taylors*, 326. For Coventry add the *St. Anne Brotherhood*, see *op. cit.* p. 121.

craft gilds, having their own officials and a common purse. In 1429 the servants of the Cordwainers of Bristol had a craft, comprising those "who for their services take wages from their masters"; they were ruled by their own wardens and surrogens, and made ordinances which they submitted to the mayor for ratification. The separate organization was apparently of recent growth, for a few years before (1408), the wardens of the Cordwainers had been ordered to survey defaults "as well on the part of the masters as on the part of the journeymen of the same craft"; while now in 1429 each class was governed by its own officials.¹ The journeymen Shoemakers of Oxford, the journeymen Tailors of Bristol, the journeymen Weavers of Coventry and Northampton, the journeymen Blacksmiths of London, had also their own wardens², while many even wore a common livery or clothing.³ At Exeter, on the other hand, the masters and journeymen of the Cordwainers apparently unacquainted their unions since, as was stated above, they were controlled by four wardens of whom two were chosen from the former and two from the latter.

The
price of
servitude,
c. 1421
London

There is abundant evidence that the journeyman gilds were a widespread institution in the fifteenth century. As we have shown, there are traces of their existence in London, Bristol, York, Coventry, Hull, Northampton, Exeter, Hereford, Oxford and Beverley, among other towns; and there are ample indications also of the long conflict between the journeyman gilds and the masters. London, where they appear as early as 1302, adopted from the outset a policy of repression. In that year, "servant workmen in coventwary or other" were forbidden to hold any meetings to make provisions which were to the prejudice of the trade or the detriment of the people, under penalty of imprisonment.⁴ In 1315 the prohibition was renewed in a proclama-

¹ *Letter Book B*, 107 (1429) : 137 (1429).

² (1) Oxford: *Records* 2 (1521) : 94; (2) Exeter: *Feet*, Michael Taylor 28 (1399) : 402; Coventry: *Letter Book*, 1 22 (1411) : 87; Northampton: *Records*, 1 104 (1411) : 90; London: *London and World*, *Archaeol.* 10 17 21 (1414).

³ *Letter Book E*, 163 (London, January 1421). Other examples are the journey of the London Blacksmiths and the Northampton Weavers: see text note.

⁴ *Rolls*, *Letter Cartularies*, 1 14.

tion against the holding of "congregations, conventicles and assemblies" without leave of the mayor¹. Four years later the journeyman Cordwainers were attacked for forming an illegal assembly in defiance of this proclamation. They confessed their guilt and admitted that a friar, William Barton, had agreed for a sum of money contributed by them to make suit at the court of Rome for papal confirmation of their indenture, so that no man should dare to interfere with them². In 1396 the Saddlers alleged that the serving-men of their mastery, called "journes", were accustomed once a year to array themselves in like gash, that is, wear a levery, and to hold meetings in the great prejudice of the craft. The journeymen replied that they met only to hear mass, but the masters declared that under a feigned colour of sanctity the journeymen formed "conventes" to raise their wages greatly in excess³. The civic authorities ordered that they should submit to the rule and government of the masters of the mastery "as in other mysteries", and form no fraternity, but that if they suffered any grievance at the hands of their masters they should complain to the mayor. In the following century (1423) the journeymen Tailors, who are spoken of as "young and unstable people", were now accused of consorting together in various dwelling-houses against their masters' wishes and behaving in an unruly manner, and again it was ordained that they should be subject to the rule and governance of the masters and wardens, and cease to wear a levery or lene together⁴. Shortly afterwards (1427) they sought to get the injunction recorded, but the religious protest, which they advanced, failed to achieve its purpose⁵. London continued even later to set its face resolutely against the formation of journeymen gilds. In 1441 the Bakers denounced "the brotherhood and clothing" of their serving-men, who in reply pointed out that the masters had themselves been members of the

¹ *Letter Book H*, vol. *Early Memorials*, 216.

² *Letter Book H*, 303; *Memorials*, 211.

³ *Letter Book H*, 427-428; *Memorials*, 427.

⁴ *Letter Book I*, 176; *Memorials*, 409; *Customs Memorials of the Merchant Tailors*, 244.

⁵ *Letter Book I*, 217; *Memorials*, 423; *Customs*, 24, vol. 256.

brotherhood during their term of servitude. But the mayor and aldermen decided that they should discard their loyalty and be under the rule of their masters; they were opposed to private fraternities established "under colour of piety or other fiction" ¹.

147 *At
Croydon*

At Croydon we can trace a similar struggle with the journeyman gild, in which the authorities used their utmost endeavour to crush them completely out of existence. They secured a royal mandate suppressing the brotherhood of St. Anne founded by journeymen, but in 1406 and 1422 it was again necessary to renew the injunction, while in 1426 the gild was expanded under a different name ². The persistence of the journeyman serves to illustrate the vitality and strength of the movement. The hostility of the masters to the journeyman gilds was protracted into the sixteenth century. In 1528 the doctors and rough masters were forbidden to form a craft or fellowship ³, and at the same time a general injunction was laid upon the journeymen of all occupations and crafts, forbidding them to make "any cove or bye-law or assembly" without licence of the mayor and the master of the craft ⁴. In 1534 the attempt to suppress the journeyman gilds was for the moment abandoned, and efforts were made instead to place them under municipal control, the journeymen of the various crafts being ordered to bring in their rules to the mayor ⁵. However, in 1538, there was a return to the old policy of repression when journeymen Dyers were ordered "to be servants and not a craft or fellowship", and their assemblies were dissolved ⁶. The prohibition was made general a few years later (1545) in the ordinance that "no journeymen shall assemble or keep any quarterage", that is, form an organisation and institute a common fund ⁷. These strenuous efforts on the part of the municipal bodies to check confederations among the hired workers, when formed to raise wages and to reduce the hours of labour, were

¹ *Letter Book E. 137-146*.

² *Bynne*, *op. cit.* *Ibid.*, MSS. *Croydon 12th Reg. App. B. 117-118*; *Stones Old English Town*, 176 (n. 2). *Croydon and South. 20* p. 10918.

³ *Croydon and South. 20*, 121.

⁴ *Ibid.*, *op. cit.* 120.

⁵ *Ibid.*, *op. cit.* 121.

⁶ *Ibid.*, *op. cit.* 122.

⁷ *Ibid.*, *op. cit.* 122.

seconded by the central authorities. An act of parliament in 1348 forbade workmen to establish wages to improve the conditions of labour. It recited that artificers "have made confederacies and promises and have sworn sealed oaths not only that they should not meddle one with another's work and perform and finish that another hath begun, but also to constitute and appoint how much work they should do in a day and what hours and times they shall work, contrary to the laws and statutes of the realm". The measure anticipated the Combination Acts of the eighteenth century, and severe penalties were imposed upon those who associated together to "do their works but at a certain price and rate". The first offence was to be punished by a fine of ten pounds or imprisonment, the second by twenty pounds or the pillory, and the third by forty pounds or the pillory and the loss of an ear.¹

The masters, however, did not everywhere adopt the unyielding attitude. In some towns a spirit of compromise seems to have prevailed, and here efforts were made to ally discretion and arrive at a peaceful settlement of the grievances on both sides. The agreement between the masters and journeymen of the Weavers of Northampton recites that many "unfitting contests and debates, schisms and ungodly governances, hath long time reigned in the craft". It proceeds to state the terms of the compromise, and adds that both were to join in a yearly procession to offer up lights before the altar of their patron saint, and afterwards to have "their customary drinking and commensation" together as of old.² There were to be no further "confederacy, convention nor gathering" among the members of the craft, in order to avoid disturbance of the peace. There is an instance at Coventry of the settlement of a dispute in 1474 by arbitration, but the terms appear to have been in the masters' favour and to the disadvantage of the journey-

¹ *Statutes in force* i. 31. The statement that "no English statutes were called forth by the proceedings" of the journeyman gild (*Journal, Carpenters' Museum*) is very much to be modified. The authorities at Coventry in prohibiting journeyman gilds in 1522 relied upon Edward VI's statute. *Just. Rec.* iii. 320.

² *Records of Northampton* = 167, 168.

men.¹ At Oxford also the controversy among the Shoemakers was submitted to arbitration.²

Strikes.

The instrument to which the yeoman gilds had most common recourse, in order to defend their economic interests and bring pressure to bear upon the masters, was the strike. There are examples in the fourteenth century of strikes which present a remarkable parallel to "the sympathetic strikes" of our own day. If any dispute arose among the Shoemen of London between master and man, all his fellow-workers within the city, according to the allegations of the masters (1356), were wont to enter into a conspiracy "that no one among them should work or serve his own master until the said master, his servant, or man, had come to an agreement, by reason whereof the masters in the said trade have been in great trouble and the people left unserved."³ The linen Weavers of London lodged a similar complaint in 1362 of the spirit which prevailed among their workfolk.⁴ Non-union men were roughly handled, and in 1367 a journeyman cordwainer who refused to join the London union was assaulted with such violence "that he hardly escaped with his life."⁵ But the masters also made common cause among themselves and relied to each other's support in the struggle with refractory journeymen. The ordinances of the London Brewers (1368) contained a provision that, if any master and man were at variance through any misunderstanding between them, the man was not to be employed by any other master until the dispute had been settled.⁶ The Brewers (1416) adopted a like attitude, and ordered that if a journeyman were involved in a quarrel with his master he was to be refused employment by other masters in the trade.⁷ These

¹ See *supra*, p. 256. For an interesting view, see Hanna, *Old English Trade* (1911) *Lead Book*, iv, p. 200-201, and *Trade, Industrial Organization*, 32. The removal of restrictions upon the number of apprentices would not have been to the advantage of the journeyman.

² *Source of dispute*, p. The London Shoemakers in 1354 recognized three jurisdictions: *Lord and Man's*, *See* iv, p. 200. *Parish* relations were established (1300) between the Weavers of Chesham and their journeyman, and the latter could "in quest and order, put it any time hereafter together and come together." *What MCT Cases* (1914) *Rep. App.* iv, 425.

³ *Ibid.* 275.

⁴ *Ibid.* 276.

⁵ *Ibid.* 274.

⁶ *Ibid.* 282. *Sanctity the Fraternity of London*: *Little Nat. Hist.* i, 13 (1368).

methods were at any rate peaceful, but at Chester the bitterness grew so intense, that on one occasion (1358) the master Weavers made an assault upon their journeymen "with pole-axes, bodards and iron-pointed poles"¹.

When we turn from the younger gilda of the fourteenth, fifteenth and first half of the sixteenth centuries to those of the Elizabethan and Stuart age, we are at once impressed by a striking transformation in their character and position. In the earlier period they were independent organizations, composed of hired workers in revolt against their masters and proscribed by the municipality. In the later period they had won legal recognition but at the price of their independence, and their constitution was now entirely changed. We have already seen how strenuously in the early part of the fifteenth century the London Tailors resisted the formation of a fraternity among their journeymen. But in 1558 the yeomen Tailors not only had their own organization with executive officers (warden or bebutors) and a council of assistants, but, more important still, this separate establishment is said to have originated in the express desire of the governing body of the craft "to make business more easy to them"—by constituting inferior officers to collect dues and take note of irregularities and absences². Again the yeomen of the Pewterers' Company, as we learn from their accounts which begin in 1593, were governed by three wardens who were members of the livery and were chosen by the livery; the yeomanry had also to attend the master's mess, a further sign of their dependency and subordination³. The yeomanry of the Ironmongers' Company of London were at an early date in complete subjection to the livery, as we may gather from their petition in 1497: "Under your settings and correction it shall please your good masterships all to grant unto us, the yeomanry of this your worshipful fellowship of this craft of Ironmongers, the petition hereunto following at our instance and in the way of charity"⁴. There

Changes in the character of the livery (fourteenth and fifteenth centuries).

¹ Morris, *Chester*, 403-404.

² *Crabbe, Memorials of the Merchant Taylors*, 41, 50.

³ *Wells, Pewterers' Company*, i. 50-51.

⁴ *Mitchell, Ironmongers' Company*, 20.

seems no question that the position of the journeyman underwent a most important change, at any rate in the later sixteenth and seventeenth centuries. They became a definitely constituted organ of the craft, but in strict subordination to the governing body. Their officials were governed by the heavy court of assistants, their funds were no longer in their own control, and they were now reduced to full purely administrative functions. They survived as a separate organization because they now served the interests of the authorities, whose task of ruling the craft they lightened by gathering in the contributions of their members and supervising their work. The explanation of the change appears to lie in the fact that the position of the yeoman had materially altered with the growth of a permanent class of hired workers, deterred from all prospects of obtaining independence as masters, the journeyman ceased, as hitherto, to be unmarried men residing with their masters, but settled down as householders and lived apart.¹ We get a glimpse of the process which transformed their status in the rejection of the *Cowenry Lest* in 1433, that the journeyman cardweavers and godermen were to work in their own houses and not in their masters' houses.² Moreover, where payment was made by piece-work instead of by a time-wage the change would be facilitated. In the *Weavers' dispute at Cowenry* in 1474 the journeymen were assigned "the third part of the payment for weaving cloth". There is no reason, however, to regard this as in any way an innovation³, and at Bristol also, as early as 1390, it is described as the customary method of payment among journeyman weavers. The journeyman weaver was to receive "the third part of the cloth as has been customary before this time."⁴ Again at York the skinner and bowers were paid by the piece.⁵ Ultimately the result

¹ *Wells Trade Unionism*, 2 (p. 17); *Down Industrial Depressions*, 32; *Down, Guide of London*, 104-105. ² *Cowenry Lest Book*, 1, 181.

³ *Peasings' Census (Industrial Depressions)*, 25311 would apparently reject this suggestion as to payment for piece-work as springing up as a new development, but the wording of the clause is, "as they used to have" (*Cowenry Lest Book*, 1, 181).

⁴ *Wells Red Book of Bristol*, ii, 30.

⁵ *York Warrandice Book*, i, 62, 130.

of the change was to convert the journeyman to all intents and purposes into a small master. He differed fundamentally from the master craftsman of the older gild system in that he was no longer brought into direct contact with the customer, and ceased to have control over the disposal of his wares. Between him and the public was now interposed the large master or the trader who furnished the raw material, received back the finished product, and undertook all responsibility for its sale. This was an inevitable result of the widening of the market and the expansion of industry. If it involved a loss of independence to the master craftsman it was a gain to the journeyman. We can readily understand, therefore, how in the constitution of the later company the journeyman, composed primarily of small masters, were assigned a definite, if subordinate, place. The transitional stage of development in which the journeyman struggled to secure a safe economic footing was at an end, and with it passed away the disturbances and unrest which mark all periods of transition.

With the changes by which the master craftsman of the gild system was transformed into the small master of the domestic system, we shall deal later. But at this point we may conveniently turn back to inquire how far the journeyman gilds can be compared with trade unions. It is clear that there is a very striking similarity: unlike the craft gilds, the journeyman gilds comprised only the class of wage-earners banded together in defence of their employers, and their efforts to secure an improvement of their economic position make the parallel to trade unions still more evident. The vital difference lies in the fact that the journeyman failed to establish a stable and permanent organization. To some extent their failure is accounted for by the repressive policy adopted towards them both by the municipality and the state. But a more important reason is that, while it was becoming increasingly difficult for the hired workers as a body to achieve independence and mastership, yet the way was always open to the more enterprising among them to do so. So long as it was possible for a certain number of journeymen to become masters, a

*Comparison of
journeyman
gilds and
trade
unions.*

permanent and efficient association was out of question. The leaders of the journeymen with greater intelligence and capacity than their fellows would constantly be absorbed into the higher grades of the fellowship.¹ When, moreover, a transformation took place in the character and constitution of the journey guild, when it came to consist entirely of small masters—or even men of substance serving their period of probation before admission into the livery—and when, above all, it came to be controlled from above by the livery, then all resemblance to trade unions actually ceased. Throughout the eighteenth century occasional conventions were formed among artisans, but it was not till the Industrial Revolution decided the final victory of industrial capitalism, taking away from the worker his economic independence, divorcing him from the soil, and depriving him of other sources of livelihood in times of industrial distress, that trade unions at length attained coherence and assumed a permanent and stable form of organization.

Examination
of the old
system.
§ 1. Journey
of the
journey.

Within the craft guild itself disintegrating influences were always tending to undermine the authority of the governing body, and to weaken the bonds which bound the craftsmen together. At Bristol, for example, the Cordwainers confessed in 1438 that they had ceased to appoint wardens according to their old ordinance, and were therefore in evil plight.² The indifference of the members led them to abstain from attending meetings of the assembly, "touching the weal and woe of the city and craft."³ Fines were imposed to no purpose, and the election of officers and the control of affairs passed into the hands of a small body. The growth of an oligarchy, due ultimately to differences of economic status, was thus facilitated by the abandonment of

¹ An excellent parallel is pointed out in Webb, *Trade Unions*, 49. The "patrons" of Lonsdale "are employed and paid by the operators to give opinions upon what they work. . . . Attempts to form an independent organization have invariably failed. The employer and employee are always looking forward to increasing a system, interested neither in reducing them to 'wage-slave' status. The notion of any independent movement fell away on becoming employees."

² *Letter Book of Bristol*, c. 143.

³ The frequency of references on this point shows its importance. *Ibid.*, c. 142. *York Minsterman Book*, L. 75. *South English Guilds*, 126.

members and their reluctance¹ to undertake often. The weakening of the gift system was shown also in the decline of the pageant, which had served an important purpose as the outward symbol of the religious and social life of the fraternity. The gift pageantry was discontinued because members would not support its charges; and throughout the fifteenth century complaints were repeated again and again. As early as 1330 it was "ordered by the whole community" at Beverley, that all craftsmen of the town should have their plays and pageants on every Corpus Christi Day "in the fashion and form of the ancient customs of the town of Beverley", under penalty of fine for those who infringed the ordinance². At Bristol in 1413 the Mayor enjoined all masters and servants to attend processions under penalty of fines, and to contribute to the costs and expenses of maintaining lights on altars³. A few years later (1436), the craft of Hoopers showed how "the said craft hath used afore this time for to have their light burning in the festival of Corpus Christi in the general procession", whereas now "divers persons" absented themselves from the common assembly held "for the good speed of the cause aforesaid"⁴. At Worcester (1487) the pageants were ordered to be "better and more certainly kept than they have been before this time"⁵; at Canterbury (1490) it was said "now of late days it hath been left and had apart to the great hurt and decay of the city"⁶. In other towns also, the craft guilds were seeking to evade their obligations. The rulers of Coventry (1494) boasted that all crafts should contribute to the pageants, and complained that members no longer recognized their duty of submission to the authority of their guild⁷.

Side by side with the waning loyalty of the guild-brothers to their obligations went an ever-increasing desire to extend

¹ *E.g.* Fox, *Medieval Tapers of Beant*, 44. The only date (page) should be noted.

² *Beverley Town Documents*, 36; apparently the ordinance was not disregarded, *ibid.* 36.

³ *Little and Book of Beant*, v. 101. ⁴ *Ibid.* ii. 117.

⁵ *Beant*, *English Edition*, 311.

⁶ *Med. Hist. Comm.*, 9th Rep. part i. App. 174.

⁷ *Coventry Year Book*, v. 126.

to the
disadvantage
of the
crafts

the privileges conferred upon them by their monopoly of trade. In their hands lay the control of industry, and the temptation was always present to their minds to abuse their trust. The regulations of the craft guild became oppressive, when its members utilized their position to advance their own interests and selfishly disregarded those of the community. The main charge brought against the craft guilds of the fourteenth and fifteenth centuries was that they endeavoured to exclude outsiders from their ranks by making their admission free prohibitive. Among the Tanners of Gloucester, for example, certain families monopolized the trade, and the same names recur repeatedly in the list of masters¹. The guilds deliberately sought to close up all avenues to mastership, in order to limit competition and keep their workmen in a condition of economic dependency. Accordingly they compelled an apprentice at his entry into the guild to pay thirty or even forty shillings, "after their own master's mind and pleasure". A statute of 1351 reduced the fee of apprentices to two and dispense², but the workmen tried to evade this by making apprentices swear that they would not set up as master craftsmen without their licence³. An ordinance at London in the reign of Edward III. had ordered apprentices who wished to become masters to pay sixty shillings or more, or remain apprentices and wage-earners, for fear lest "the number of masters should be unduly increased"⁴. It was afterwards said that this ordinance drove many to leave the city⁵. Every effort in fact was made to shut out strangers from sharing in the commercial and industrial life of the towns. At Coventry the Haberdashers and Butchers extracted from foreigners, who sought to carry on their trade, a fine of ten pounds, the Bakers four pounds, and other crafts in proportion⁶. At Chester the fees for admission of strangers to the freedom of the city were raised in 1357 from twenty-six and eightpence to "ten pounds at the least"⁷, and York pursued

¹ *Trans. Bristol and Glouc. Archæol. Soc.*, xlix, 1914.

² *Ibid.* 91, 92, at the end of "two terms." *Statutes*, ix, 321.

³ *Ibid.* ix, 324 (1351).

⁴ *Letter Book G*, 1361.

⁵ *Proc. County Hist. Association*, ii, 225.

⁶ *Ibid.* 222.

⁷ *Statute*, Chapter 422.

a similar policy.¹ To prevent unfair competition on the part of those who sold inferior wares was a recognized principle of the gild system; to prevent fair competition by excluding rival craftsmen was to distort that principle. The folly of this short-sighted policy was exposed by the author of the *Discourse of the Common Weal*. "I have heard said in Venice, that most flourishing city in these days of all Europe, if they may hear of any cunning craftsman in any faculty, they will find the means to allure him to dwell in their city; for it is a wonder to see what a deal of money our good countries doth bring into a town . . . but where other cities do allure unto them, our men will expel them out; as I have known good workmen, as well smiths as weavers, have come from strange parts to some cities within the realm, intending to set up their crafts, and because they were not free there, but specially because they were better workmen than was any in the town, they could not be suffered to work there. Such incorporation had those masters in those towns that none might work there in their faculty, except they did compound with them first". Hales was willing that strangers should be required to take up the freedom of the city—otherwise no one would trouble to serve an apprenticeship—but an exception ought to be made "when a singular good workman in any mystery comes, which by his knowledge might both instruct them of the town, being of the same faculty, and also bring into the town much commodity beside"². "Private liberties and privileges" should give place to the "public weal", or in other words, the welfare of the city came before the franchises of the crafts.

In addition to the admission fee, whether imposed on apprentices or strangers from other towns, some crafts compelled new members to give a feast to the gild. In 1560 a cordwainer of Oxford was required to pay forty shillings for his admission, and "also he made the corporation a dinner at his admitting of his free and frank goodwill which came of himself, which cost him twenty-two shillings"³.

¹ *First County Hist. Yorkshire*, vi. 430.

² *Lancashire Discourse of the Common Weal*, 1629-30.

³ *Archæol. Journal*, vi. 268. In 1575 the admission fee was only 10s. 6d. and 10s. 2d.

This liberality was probably compulsory, and the burdens of membership drove craftsmen to seek relief from the financial oppression of the gilds by flight from the towns, setting up in suburbs or country districts. In 1493 the rulers of Norwich framed an order curtailing the charges of the gild franks¹, but the pernicious practice of excessive feasting was revived, and in 1532 it was said that "all the said city is now decayed because the charges of the said gilds were of so great importance, that many of them that did bear the charges of such gilds could not after that recover the great losses that they sustained in making of the same. By occasion whereof many of these fled and daily went from the said city and inhabited themselves elsewhere for poverty. And many would have come to the same city if it were not for such costs and importance charges that might be laid upon them, which caused that many houses, habitations and dwellings within the same city stood empty and grew to ruin. And in conclusion the same city fell thereby to desolation, the service of God diminished, churches that were wont to be richly adorned ruined and fell down"². The complaint was renewed at York as late as 1567 that the gilds refused to accept new members unless they paid "a great sum of money or make a breakfast, dinner or supper to the whole company, which hath been to the utter [wasting] of divers young men who have had little store of money to set up their occupation withal"³.

*A fragment
showing
the gild
manor house.*

There are a few traces in other towns of a struggle on the part of the municipal authorities to break down the exclusiveness of the crafts. At Oxford in 1527 admission fees were reduced to twenty shillings, though the limit does not appear to have been observed for any length of time⁴. Again at Coventry (1548) the fees for apprentices were fixed at six and eightpence, and country settlers who had not passed through apprenticeship were only to be charged reasonable fees⁵. One or two towns anticipated or followed

¹ *Records of Norwich*, ii, 102.

² *Ibid.* ii, 112.

³ *Proc. Conv. Hist. Protection*, iii, 432.

⁴ *Records of Oxford*, 107. In 1560 forty shillings were raised (*Oxford Journal*, vi, 1002), but in 1575 an attempt was made to reduce 500 (*Ibid.* vi, 1304).

⁵ *Coventry Law Book* at 693.

the loss of policy had done by States to the passage cited above, and surrendered their monopoly. In 1517 Lincoln, which had suffered severely from pestilence, the loss of its staple and the flight of its inhabitants, and at one time was said to be on the verge of destruction, offered to enfranchise all operators of wool and other cloth-workers who settled in the city, and to release them for a period of three years from payment of any land.¹ Subsequently, however, trouble arose when the Weavers' gild tried to compel weavers settled in the suburbs to contribute to their gild, and the matter was brought before the Court of Requests.² We shall also see how the mayor of Chester overthrew the monopoly of the local manufacturers and introduced weavers from Shrewsbury.³ Again, in 1558, a craftsman was admitted to the freedom of Lynn "and purchased his free as a good burder, and the town has need of one of that craft."⁴

Another complaint directed against the craft gilds was that they were no longer fulfilling the purposes for which they were founded. They were intended to serve the community faithfully and well, to keep their members "in peace, wealth and tranquillity", and to maintain "rule and order" among their apprentices and journeymen. But instead they brought neither "profit nor commodity" to the city, and were decaying alike in "wealth, substance and comely obedience to the distress of the commonwealth of this city and shires, contrary to the true meaning of the first foundation of the fellowship and fraternity."⁵ A definite instance of abuse of power is recorded at London in 1491, when the Bakers made presentments of foreign bakers out of envy and malice, and made no presentments touching bakers who resided within the liberty of the city; accordingly the mayor and aldermen of the city appointed two officers to assess penalties.⁶ The charges levelled against the craft gilds are sometimes regarded as a sign of the degeneracy of the gild system, but they were in no way new. At the opening of the fourteenth century the

by a Charter
of Justice

¹ *Hist. MSS. Comm. 14th Rep. App. vol. 2, p. 105, etc.*

² *Sum. of Cases in the Court of Requests, 17*

³ *Ibid., p. 300*

⁴ *Records of Norwich, 2, 105-107 (1518)*

⁵ *Antiquary (1906) 103*

⁶ *Early Lond. L. 200*

London Weavers were arraigned before the itinerant justices at the Tower to meet the indictment that they restricted membership, and framed ordinances for their own private advantage and to the public detriment. In particular, it was said that they limited the output of cloth by allowing no one to work between Christmas and Candlemas or to make pieces of broad cloth in less than four days, although two or three days often sufficed.¹ But the outcry against the oppression of the craft gilds grew in later centuries until eventually it found expression in two legislative enactments, the import of which we have now to examine.

Statute
concerning
the
mishandling
of 1487

In 1487 an act of parliament represented that "the masters, wardens and people of the gilds . . . make themselves many unright and unreasonable ordinances . . . for their singular profit and common damage to the people"; and ordered that they should submit their ordinances to justices of the peace in counties or to "the chief governors" of cities and towns.² There is a tendency to regard this act as a turning-point in the history of the craft gilds, but there is no reason to suppose that it altered the character of the gilds or in any way changed their relation to the municipality or the state. It does not place craft gilds in towns under any external authority, and they still remained subject to the municipal magistracy, not only in their capacity as "chief governors" of the town, but as justices of the peace.³ An act of 1493, for example, compelled the *Shayrman* of Norwich to obtain the approval of the mayor and aldermen of the city for any ordinances they might make.⁴ A truer interpretation of the act would seem to be this: under Edward III. and his successors, and especially under Henry VI., many of the craft gilds began to receive royal charters by virtue of which their right to control industry was henceforth derived from the Crown rather

¹ Ellis, *Late Chaucerians*, i. 281-282.

² Statute c. 101. Cunningham (p. 225) quotes the act of 1487 as that of 1486, but there is an important difference in the wording: the words "in pieces of worst" are not in the act of 1487. The petition which led to this act was presented by manufacturers all over England, not by London, as is sometimes supposed. *Stat. Part. ii.* 304.

³ Municipal magistracy was appointed as justices of the peace. *First Report of the Municipal Corporation* (1835), 17. ⁴ Statute c. 37.

them from the municipality. This set up a system of divided authority and established a situation parallel to that which had existed in the twelfth century. Hence the friction between the Tanners of Exeter¹ and the gild magistrates, subsequently even at York certain companies were exempted from the mayor's jurisdiction on the strength of royal charters.² Accordingly, as early as 1394, the Commons began to complain that mayors and bailiffs of towns were hindered from carrying out their office by reason of the charters granted to certain ministers, and they demanded that these charters should be repealed.³ They renewed the complaint in 1437⁴, and this time with more success. The act of 1437 was therefore directed primarily against those gilds, which were advancing special claims to independence under colour of "charters and letters patent of divers kings", and it was clearly intended not to override or set aside, but to strengthen and confirm the authority of the municipal bodies, wherever that authority had been called in question. It is important, then, to remember that the statute of 1437 did not create a new situation, nor did it open up a fresh stage in the history of the gilds. It conferred upon the towns no powers of control which they did not already possess; and there is abundant evidence to show that those powers were repeatedly exercised prior to 1437⁵. Nor, on the other hand, does it give over to the central government functions of control, which for two centuries had been the recognised province of the local bodies. After this date, as before it, the gilds continued to submit their ordinances to the municipal authorities for their consent and ratification.⁶

In 1504 another statute was passed, the purview of which

¹ *Supra*, p. 222.

² *Ibid.* *Foot.* n. 222 a.

³ *Supra* p. 340-41.

⁴ *Ibid.* *supra* p. 427. The hypothesis put forward in the text, that the petitions of 15, 2 and 1522 were prompted by the desire of the municipal authorities to curb the growing pretensions of chartered companies, may also serve to explain their history under Richard II, to suggest the crafts then wearing a levery. The levery meant an accession of strength to the craft organizations and a corresponding loss of power to the municipality, as the proverb it was at first applied by the town authorities. For an alternative view, see *British Economic History*, ii. 125-27, where the opposition to the levery is interpreted as part of a class struggle between the organized craftsmen "and" the classes that had previously ruled."

⁵ *British Economic History*, 124.

⁶ *Ibid.* iii. 304.

See The
History of
1104.

replied that gilds "often times, by colour of rule and governance to them granted and confirmed by charters and letters patent of diverse kings, made among themselves many unlawful and unreasonable ordinances as well in prices of wares as other things, for their own singular profit and to the common hurt and damage of the people"¹. A new departure was made in the clause that all gild ordinances must be approved by the chancellor, treasurer and chief justices of both benches, or any three of them, or by the justices of assize in their circuits. This act differs from that of 1437 in two respects. In the first place it provides national as addition to municipal machinery for the control of the gilds. The authority of the civic magistrates was not set aside, but was now supplemented by the supervision of the state. This clause appears to have been enforced; the Oxford Butchers petitioned the justices of assize in 1536 "to reverse and annul" their ordinances which had been drawn up by the gild and approved by the mayor². In 1562 the Oxford council agreed to affix the town seal to the ordinances of the Glovers, provided they were approved by the justices³. The Ordinances of the Worsted Weavers of Norwich and the counties of Norfolk, Suffolk and Cambridgeshire (1572) were ratified by the lord chancellor⁴. In the second place the act of 1504 charges the gilds with unreasonable ordinances "in prices of wares", and as a result the gilds are supposed to have lost any right they may have had to determine the prices of commodities⁵. But this hardly appears probable. The act equally failed to limit the jurisdiction of the gilds over their members⁶, and it is unlikely therefore to have affected deeply their privileges in a matter still more vital to their interests. The Franders' Company, for example, continued to fix the prices of their commodities, as the weavers themselves acknowledged, two

¹ *Statute*, c. 49.

² *Records of Oxford*, 104.

³ *Ibid.* 108. Another example in Williams, *Franders' Company*, 13 (weavers charged in 1504 with making an act contrary to the statute of 1504). The act failed, however, to destroy municipal control. The Franders sought municipal approval in 1511 and 1515 (ibid. 13, 14) and the Fishmongers made submission to the authorities in 1516 (*Black Book, Franders' Company*, c. 32).

⁴ *Records of Norwich*, c. 328 (p. 11).

⁵ *Statute*, *Statutes at Large*, c. 10, *Index*, *Stat. at Large*, .

⁶ *Ibid.*, p. 108.

years after the act was passed¹. The scope of the statute is here only extended "to unreasonable ordinances", and was not designed to affect the legitimate exercise of the ordinary gild functions.

On the whole there is no indication that the legislation of 1347 and 1354 exerted much influence upon the powers and constitution of the craft gilds. Such intervention to all appearance was not a decisive factor in affecting their development; the forces which transformed the gilds were partly the inevitable product of economic changes, and partly inherent in the gild structure itself. The history of the craft gilds after the Reformation lies beyond the scope of the present chapter. But attention may be drawn to the fact that the act of 1347 forms no exception to the statement we have made as to the influence of legislation upon the course of gild development. The view held by older writers that Edward VI.'s legislation abolished the craft organisations is now recognised as untenable. In 1535 Henry VIII. passed an act for the dissolution of chantries, that is, religious foundations where masses were said for the repose of the dead². Before the act could be carried into execution Henry died, and under his successor another measure (1547) was passed which confiscated the property of all religious gilds and vested it in the Crown³; the craft gilds were only affected in so far as their funds were devoted to spiritual purposes. The result of the act was then the "dissolution of religion"⁴; and the crafts as industrial, social and charitable organisations were left untouched. We have to remember that in the Middle Ages there were great numbers of gilds which had no connexion with industry or trade, but served purely religious or semi-religious functions⁵; for example, a fraternity was founded at York mainly to keep up a religious play. These presumably were completely swept away by the act. Many craft gilds, as we have seen, had developed out of religious brotherhoods, and probably most of them served some kind of

as the
product of
1347

¹ *Robert Cases in the Star Chamber* : 107.

² *Ibid.* : 107 ff.

³ *Ibid.* : 107 ff. 117.

⁴ *Chiles, Early History of the Merchant System* : 194.

⁵ *Business, History and Development of Gilds* : p. 162-163.

religious functions. In these cases the portion of their revenues employed for such purposes would be taken away from them and handed over to the government as rent-charges, while the rest of their income, and above all their powers of industrial control, would remain unaffected. There is no question that the Reformation did not destroy the gild system¹, though indirectly the effects may have been considerable in impairing the prestige of the craft and relaxing the ties that bound its members together. Much obviously depends, moreover, on whether Edward's commissioners showed a just and careful discrimination. An example of the disbandment of the religious side of the craft gilds is furnished by the Merchant Taylors' Company. They held twenty-one hereditaments, which brought in an annual rent of £440 13:10, of which the rent-charges devoted to purposes described by parliament as 'superstitions' amounted to £98 11:5. As a result of the statute, "instead of making, as theretofore, several payments to several priors and in several parishes, one payment of an ascertained and definitive sum had thereafter to be made to the Crown". When the government sold the rent-charges of £98 11:5 the Company, in order to redeem it, was forced to dispose of estates with a rental of £122 14:2, and this left the Merchant Taylors with an annual income of £327 19:5².

*Operation
of economic
forces.*

While the changes produced in the gild system by legislative action appear to have been exaggerated, economic forces exerted the most profound influence. Accordingly we have now to trace the process by which the gild system was gradually broken up, and the craft gilds replaced by a new form of industrial organisation. The essence of the craft gild lay in the combination of trading functions and handicraft functions in the hands of the master craftsman, who bought his raw material from the producers, worked it up into a finished product and then sold it to the consumer. So long as the market was limited, and capital played little part in industrial development, the gild system survived

¹ Seeley, *Economic History*, v. 122 seq. — Leach, *Two Thousand Years of Old Crafts*, 2, and part of *passim*. — *English Craft Guilds*, 20-22, 214-215.

² *Op. cit.*, *Early History of the Merchant Taylors*, I. 122 seq. 320.

to the needs of the time. But when the market widened, and capital became more important, there followed an increasing division of labour, and the mercantile and industrial aspects of the gild were differentiated. The trading functions now began to pass to a special class of traders, and the master craftsmen were confined to the purely manual functions. There were in the fifteenth and sixteenth centuries various ways by which the craftsman could be deprived of his economic independence¹—one branch of an industry might control the remaining branches and usurp the trading functions; or within the same craft these functions might pass to the more enterprising members; or a separate and distinct organisation of trading capitalists might dominate the whole industry from without. To trace the development of these various movements, we shall therefore examine in turn (a) the amalgamation of crafts, (i) the rise of the livery company, (j) the growth of mercantile societies. In all cases production and distribution were separated; the gild or handicraft system was supplanted by what is commonly termed the domestic system, where the manufacturer becomes dependent upon the merchant and loses direct contact with the consumer.

The fifteenth century witnessed striking changes in the development of the gild system, of which one of the most prominent was the amalgamation of crafts. A process of integration began, by which the crafts surrendered their individuality and merged their separate identity into a collective organisation, while still apparently retaining control over their members in matters of trade. At Norwich in 1449 there were several small masters which contained so few persons that they could not be called crafts, and it was ordered therefore that each mystery should be united with some craft, though maintaining a separate existence as well as its own masters. Accordingly, the *Bladenwylde*, *Locksmiths* and *Locksmen* were annexed to the *Smythes* craft², and there are also many examples of

(i) *Amalgamation of crafts*

¹ On the forms of industrial organisation resulting from the Division of Labour, see Vernon, *Industrial Organisation*.

² *Records of Norwich*, p. 110. See also Dr. C. H. Haskins, *The Livery Companies of the City of London* (1907), 26.

combination in other towns. The roll of membership was in fact often very small, at York, for example, the gild connected with the cloth trade averaged each sixty-five members, but the gild engaged in the iron industry numbered only eleven each, and the wire-chandlers only six.¹ Hence in the struggle for existence the smaller mysteries were frequently too impoverished to bear the financial burdens laid upon them, and were compelled to abandon their independence. On this account the Furriers and Glovers of London started in 1498 to form one body.² "Both the said fellowships of late be very decayed, both in number of persons and substance of goods, that they can nor may severally live hereafter of themselves, nor to support nor to maintain their said fellowships, nor to bear lot nor cost nor any other charge, as they have done in times past." In 1502 they joined the Leatherworkers who had already received the White Taxation in 1499 and who also absorbed the Pouchmakers in 1517.³ The reason assigned by the White Taxation for their amalgamation with the Leatherworkers was that "there is of the same craft so few persons in number, that they have no choice to make any wardens to rule the same craft." This supports the conjecture that the union of crafts must have been largely due to the very scanty roll of membership. Another example is that of the Horners and Bottlemakers, who joined together in 1496.⁴ Among the charges, whose burden was beyond the resources of many gilds, the most prominent was usually that of the payment, and where the craft lacked substantial men to support the expense, it was graced with other gilds for this purpose. At Coventry in 1444 the Card-makers, Saddlers, Masons and Painters "by long time past have been in one fellowship in bearing costs, charges, and all other duties of old time to their payment and the said fellowship belonging."⁵ Again the Barbers were compelled in 1532 to contribute to the payment of the Guilders, though some years later (1550) they succeeded in obtaining their discharge.⁶ At York the Tapestry, Card

¹ York *Manuscript Book*, i, 39, 216, 217.

² *White Taxation* Company 45.

³ *Ibid.* 28 (1497), 40 (1498), 47 (1517).

⁴ *Coventry Law Book*, i, 103.

⁵ *Ibid.* Book E, 176.

⁶ *Ibid.* 11, 176 (1532), 182 (1542).

workers, and linen-weavers united for "the bringing forth of the pageants"¹; and the Masons tried to compel the Tilers and Plasterers to contribute to their pageant². The Drapers (1505) also complained that their pageant was so costly that they required assistance³, and the Coopers alleged their inability to support their pageant having been parted from the Jorum⁴. In many cases, however, the amalgamation of the gilds was due to economic forces and marked a new stage in the organization of industry. The members of one craft often attempted to exercise control over all who were engaged in other branches of the same industry. As early as 1327 the Joiners, Painters and Limners allied crafts of saddle-making, conspired that the Saddlers "by conspiracy and collusion among themselves have obtained . . . that no one of the trades aforesaid shall be so daring as to sell any manner of merchandise that unto their own trade pertains, either to freemen of the city or to other persons, but only to themselves in the business of saddlery"⁵. At Coventry (1415) the union of the workers in iron enabled certain among them to control the whole process and to pass on badly-tempered iron to crucibles, brickmakers, glassmakers and candle-makers. Apparently a number of employers "had all the craft in their own hands"⁶, and gave out work to men in all the four different branches of iron-working. The authorities broke up the union on the ground that it facilitated deceit and "was detrimental to the public interest"⁷. In the case of the saddle-workers and the iron-workers, we see how one section endeavoured to obtain the ascendancy by engrossing the whole trade into its hands and depriving the other crafts of their independence. In the cloth trade which passed through many hands, and where the division of labour was greatest, it was inevitable that the weavers, dyers, fullers and shearmen should be grouped together in a condition of economic dependency upon the drapers⁸. The amalgamation of crafts was thus in many

¹ *Devon. Municipal Records of York* 148 (9), (Comp. Rec. III).

² *York Min. registers* (last), 1 148 (early fifteenth century).

³ *Devon.* 128, 221 148.

⁴ *York Minsterwarden Book* 1 149.

⁵ *Rolls, Memorials of London*, 517.

⁶ *Coventry Lost Book* 1 148a-148c.

⁷ *Ibid.* p. 147, 148.

⁸ *Coventry Lost Book* 1 148a-148c.

comes a sign that industry was passing through a new phase of development, in which a class of employers assumed the functions of the middleman and thrust itself between the master craftsman and the customer. As a result the former came to lose his independence, he was now to all intents and purposes a wage-earner paid by piece-work, but working in his own home, and employed by more than one capitalist. The fifteenth century then marks a period of transition in industrial organisation, in which the gild system underwent considerable modification and was gradually transformed into the domestic system.

By the
livery
company.

The new form of industrial association evolved in the fourteenth and fifteenth centuries was the incorporated livery company. It varied fundamentally from the older craft gild in the differentiation of two distinct classes, the mercantile and the industrial. The trader and the manual worker were now separated, and while the former secured the control of industry, the latter lost his economic independence and acquired an inferior status. The outward sign of the altered condition of things was the wearing of the livery which, while forbidden to the retainers of great households, was permitted to the crafts by the act of 1411.¹ Originally the livery was assumed in order to stimulate the feeling of brotherhood and solidarity among the craftsmen, and with no intention of creating class distinctions, at Norwich all members of the craft gild "having the means" were ordered to wear the appointed livery.² "At this time", says the chronicler, speaking of the year 1319, "many of the people of the trades of London were arrayed in liveries and a good time was about to begin."³ Among those in Chaucer's Prologue, who wended their way to Canterbury "the holy blisful martyr for to seek", were

"An Haberdasher, and a Carpenter,
A Wobbe (Weaver), a Dyer and a Taper,
And they were clothed all in one livery
Of a colour and greet fraternity".

Gradually, however, a distinction began to emerge between

¹ Statute, 11 Hen. V.

² *Chronicle of Norwich*, ii. 183 (1400).

³ *Early Chronicle of London*, 131.

those who were the freer, and those whose poverty excluded them from the ranks of the privileged body. The wealth of the freemen enabled them to aspire to a position of greater prestige and dignity than had been enjoyed by the older trades, and they sought an improved legal status by means of incorporation. This not only consolidated their social position, but conferred upon them the marks of a legal personality which could plead and be impleaded, hold property and have a common seal. At the same time it set the stamp of royal recognition upon their claims to control trade and industry. Many of the London companies first received their charters under Edward III., though the privilege of formal and complete incorporation was deferred to later reigns¹. They availed themselves of the statute of 1263, by which trades were restricted to a single class of commodities, to obtain letters patent from the king which confirmed their monopoly of trade. Edward's favour was conciliated by a timely gift of money contributed by the different London companies: the Mercers, Fishmongers, Drapers and Skinners paid each £40; the Vintners £33-6-8, the Grocers £26-6-8; and the Goldsmiths and Tallow £20 each². Their history, of course, can be carried back to a much earlier period; thus the first charter granted to the Merchant Taylors was in 1266³, and was subsequently confirmed in 1264⁴, yet they were already an existence as a separate fraternity in 1257, when they were involved in a dispute with the Goldsmiths⁵. Again, the Corporation of London were not incorporated until 1277, though as early as 1253 they were already an organised association with their own "bills" of ordinance⁶. The Porters were incorporated in 1275, but their ordinances date from 1248⁷. When the crafts were reconstituted as chartered companies, it was inevitable that the contest

¹ Thus the Drapers were incorporated 1275, the Fishmongers 1277, the Drapers 1298, the Haberdashers 1298 (*Letter Book B*, 103-104, 104). The Corporation in 1277 (*Ibid.* 104).

² *Letter Book B*, 170.

³ *Chron. Memorials of the Merchant Taylors*, 96.

⁴ *Letter Book B*, 104.

⁵ *The Antiquary London Letter*, 25.

⁶ *Statute, The "Bills" of Corporation of London*, 4.

⁷ *Statute, Porters' Company*, 1-20.

should pass into the hands of the richer members, the employers and capitalists, whose wealth had been merely instrumental in obtaining the charter and in building the hall¹, and upon whom the maintenance of their privileges would naturally depend. A cleavage was produced between the trading and industrial capitalists on the one hand, and the artisans on the other; the latter were organized as a separate but strictly subordinate body, the *premantry* or *hackwork gilds*, consisting in the main of small masters outside the livery, who were confined to the manual parts of their trade.

The struggle between the premantry and the livery.

By unusual good fortune we have an actual glimpse² of the process, by which the livery members of a London company endeavored to gather into their hands the trading functions of the craft and reduce the premantry to a condition of economic dependency. The master of the Friers' Company and those who were "of the clothing", that is, the livery members, carried through an act (1504) by which no one was to sell his wares under certain fixed prices upon penalty of a heavy fine. The real purpose of the act, as the proceedings make evident, was to subordinate the premantry to the livery by compelling them to sell their own wares at their own livery as they had done in times past³. Their laws were successfully worked upon, until they were brought to believe that they could only escape the penalties of the act by selling their wares to the master of the company, which he afterwards disposed of at a considerable profit to himself. But one of the premantry declined to be imposed upon and appealed to the Exchequer Court, the case was tried before a jury, and the master and wardens were fined forty pounds. Thereupon, with the assent of the livery—the most "substantial" persons of the fellowship—they proceeded to sell the company's plate to meet the penalties they had incurred. The premantry, emboldened by their previous success, now made application to the Star Chamber

¹ The debt, arising from the London Corporation in obtaining a charter was apparently due to lock or hock (Jupp and Pargie, 1911). On the other hand, the premantry contributed 5000 to the building of the hall of the Merchant Taylors (Chish, *Early History* i, 101).

² *John Case on the Star Chamber*, 1, 261-62.

in the recovery of their plate. A judgment was given in their favour, and the livery mayor was called in to recognise the company. He awarded "that yearly, as well at the elections of the new wardens as at the time of making up the old wardens' accounts, that the wardens for the time being shall call unto them six of the yeomanry which they shall think the most notable and convenient to hear the old wardens' accounts, inasmuch as they be members of the said fellowship."¹ The interest of this case is twofold. It throws light upon the efforts of the liverymen to transform the craft master into a manual worker dependent upon the middleman for the disposal of his wares. At the same time it affords proof that the transition from the gild system to the domestic system was not accomplished without a struggle upon the part of the yeomanry to retain their former independence.

The constitution of the livery company in the sixteenth century was oligarchical. Its government was vested in the hands of the master, two or more wardens and a court of assistants. The court of assistants probably originated in the practice of summoning the more experienced craftsmen to give advice to the wardens. We can see the germ of the institution at Bristol where the master of the Tailors, "upon reasonable consideration by the sorters that have been masters of the craft or of the more part of them", could admit new members to the craft who had not served their apprenticeship.² A court of assistants is found also at Sherbourne³ as early as 1478, and the gilds of Norwich and Coventry were ruled by a common council.⁴ The governing body established a complete hold over the company: it filled vacancies in its ranks by co-optation, selected new members of the livery, controlled the freemen who were not 'of the livery', and directed all the affairs of the company. The growth of this oligarchy was the natural sequence of the livery with which members of the craft gilds had viewed their obligations in the past, and of their

Constitution of the livery company.

¹ *Williams, Freedmen's Company*, 14.

² *For, Ancient Tapers of Bristol*, 42.

³ *Widdows, Freeman and Development of English Gilds*, 21.

⁴ *Ibid.* p. 273.

reference to attend the meetings of the assembly or to take office.¹

The twelve
great livery
companies are

The list of the twelve great livery companies, according to the order of precedence established in 1508, was as follows: Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Silversmiths, Taylors, Haberdashers, Salters, Innkeepers, Vintners and Shearmen, in 1508 the Shearmen joined the Fishers, and together they formed the Clothworkers.² Of the Grocers and Mercers and their offshoots we shall speak presently; and it remains therefore to give some account of the Merchant Taylors as a type of the livery company. They had a continuous existence from the thirteenth century, for they appear as early as 1267; and Snow relates that Edward I. in 1299 "confirmed this gild by the name of Tailors and Linnen-merchaunt, and also gave to the brethren thereof authority every year at midsummer to hold a feast, and to choose unto them a governor, or master, with wardens."³ In 1326 they received their first charter, which conferred upon them the exclusive monopoly of their craft and granted that no one should be admitted to their minority, unless vouched "by the honest and lawful men of the city, that he is honest, lawfull and fit for the same."⁴ In 1362 their charter was confirmed,⁵ and a few years later (1371) they framed ordinances with the mayor's approval to regulate their trade.⁶ Richard II. and Henry IV. became honorary members of their company,⁷ and in 1407 they were incorporated as "a sound, perpetual and corporate fraternity" with license to "have a common seal and be impleaded and implead others" as one body, and were also empowered to hold land.⁸ Almost a century later (1500) they received a charter at the hands of Henry VII., which recited that since "the men of the universities . . . in all quarters and kingdoms of the world" used "all and every kind of merchandise to the honour, benefit and profit of our kingdom . . . buying and selling of all and every

¹ *Ibid.*, p. 286.

² *Lane Book I.*, p. 222.

³ Snow, *Survey of London*, i. 210.

⁴ *Chiro. Memorials of the Merchant Taylors*, 186.

⁵ *Lane Book II.*, 120.

⁶ *Chiro.*, pp. 207-208.

⁷ *Ibid.*, 3. Henry VII. was also an honorary member, *ibid.*, 5.

⁸ *Ibid.*, 172.

wares and merchandise whatsoever, and especially woollen clothes, as well wholesale as retail, throughout our whole realm of England"; therefore the title of "Merchant" before that of "Taylor" was conferred upon their company. Under this charter they ceased to be exclusively Taylors, for it enabled them to admit "whatsoever persons, natives, whom they may be willing to receive into the same fraternity . . . without the hindrance or disturbance of any person or persons of any other art or mystery"¹. Indeed, the members of many London companies frequently came to have only a very faint connexion with the business of the company to which they were attached.

We have dealt with one aspect of industrial development—the growth of a select body of industrial capitalists inside the craft gilds, who controlled the craft from within. We have now to trace the rise of purely mercantile crafts composed of trading capitalists, which were devoid of organic connexion with the handicrafts and came to control them, if at all, from without. In London a class of merchants came into existence at least as early as the fourteenth century, in other towns in the fifteenth century. In 1395 it was said that "the City is wont to be defended and governed by the aid and counsel as well of the good men of mercantile trades as of the other handicraft trades"²; and this implies a definite line of demarcation. The Ordinance of 1363 shows that the mercantile classes had obtained considerable prominence. It attempted to restrict traders to one commodity, for it enacted that "English merchants shall use no wares nor merchandise . . . but only one"³. At the same time the Drapers⁴ and other companies of London received charters which gave them a monopoly of their trade. The Ordinance caused a great outcry, and attempts were made to prevent its promulgation⁵. The discontent came to a head with the grant of charters "contrary to the

see
Mercantile
crafts

¹ *Charters of the City of London*.

² *Edw., Later Edw.*, i. 420.

³ *Ibid.* i. 324. English weavers, however, were allowed to buy cloth, and Cassen, a French cloth and silk dye manufacturer in London, was to take money out of the treasury: *Charters of the City of London*, 1363-1368, p. 36.

⁴ *Patent Rolls*, 1360-1369, p. 4.

⁵ *Chronicle of the City of London*, 1360. Royal guards were set in the city.

interests of the commonsality"¹. The price of commodities was said to have risen by one-third², and in 1364 the Ordinance was repealed with the words: "all people shall be as free as they were at all times before the said Ordinance"³. The attempt to restrict trade to a single class of merchandise had failed in London, but it was revived in other towns. As late as 1364 the jurors at Southampton presented that "John Elliot keepeth open shop and selleth diverse kinds of wares contrary to the corporation and customs of the town, which we desire may be redressed, for if he keeps shop it is meet he keep it only with his science and occupation of gloves' craft and none other, for that is contrary to the statute"⁴.

The
Grocers.

The act of 1363 had been directed against the Grocers' Company, which originated in a combination of the Peppercorn and the Spicers. They were a group of merchants who "engrossed", that is, bought wholesale different kinds of merchandise. They were attacked in a petition of 1363 which recited that great merchants had newly arisen, as well to the king and the great men and commons as to others of the land, from the merchants called grocers who engrossed all manner of merchandise vendible and suddenly raised the price of such merchandise within the realm, putting it sale by covin and ordinance made amongst themselves in their own society, which they called a fraternity and guild of merchants, such merchandise as were most dear, and keeping it store the others until times of dearth and scarcity⁵. The Grocers were wholesale dealers, and enjoyed the right to appoint weighers or keepers of the Great Balance when commodities were sold in gross⁶. The Mercers, again, were retail dealers in small wares, who appointed weighers at the Small Balance⁷. According to Herbert, the term *mercator* "in ancient times was the name for a dealer in small wares, and not as afterwards, a vendor of silk. Moreover then

The
Mercers.

¹ *Clement Johnson's Reading*, 257.

² *Ibid.* Part II. c. 118 a.

³ *Southampton Court Leet Records*, 116.

⁴ *Ibid.* Part II. c. 120 b.

⁵ *Letter Book G*, 104. This was the "gross-grocer", which may have been the origin of the term, *Grocer*. *Magdalen, Grocers' Company*, i. p. 161.

⁶ *Letter Book G*, 2.

⁷ *Ibid.* c. 113.

comprehended all things sold retail by the little balance or small scale (in contradistinction to things sold by the beam or by gross), and included not only toys, together with haberdashery and various other articles connected with dress, but also spices and drugs: in short, what at present constitutes the stock of a general country shopkeeper"¹. Gradually, however, there was developed an increasing specialisation in trade, and from the Mercers and Grocers sprang a number of other companies, the Drapers, the Vintners, the Haberdashers and the rest. Of the Drapers we shall speak in connexion with the woollen industry². The Vintners were divided into two classes, the *Finestors* or merchant importers, and the *Taverners* or retailers who kept taverns and cellars³. The Haberdashers were originally a branch of the Mercers⁴ and became very numerous. Forty years ago, observed a writer in Henry VIII.'s reign, there were scarcely four or five haberdashers' shops throughout London, "where now every street is full of them"⁵. It is necessary, however, to remember that many of the London mercantile companies, for example, the Goldsmiths, the Peppercorns and others, were already in existence in the thirteenth and even the twelfth century⁶.

It is essential to grasp the all-important fact that in London and provincial towns a definite class of merchants had differentiated themselves from the craftsmen. They constituted an organized body of traders who stood outside the craft organisation, and saw themselves to be distinguished from the capitalist employers who originated inside the craft guild itself. A sixteenth-century writer complained that "the breeding of so many merchants in London, rioted out of poor men's sons, hath been a marvellous distraction to the whole realm"⁷. But a distinction must here be drawn. In London and the more important towns the merchants were organised in a number of distinct and separate groups,

¹ Robert Darcy Compton, l. 170.

² *Ibid.* pp. 113-119.

³ *Ibid.* op. cit. n. 645.

⁴ *Ibid.* n. 100.

⁵ *Peck, Description of London* 70.

⁶ For the Goldsmiths, *supra* pp. 147-150. The Peppercorns were one of the earliest gilds, dated in 1160. *Peck, Hist. of the City*, vol. ii. 119.

⁷ *Peck, Description of London* 33.

according to the trade which they carried on. Here, also, there are examples of combination among traders: for instance, in York the merchants, grocers, vintners and apothecaries were organised in one group, the drapers and merchant-tailors in another, and the linen-weavers in a third. In this case each trade or craft retained its own coat of arms, but for purposes of organisation was grouped with other trades and crafts in a single corporation under one governing body¹. But in London, in particular, each body of merchants retained its own independent organisation; and instead of a single trading company embracing all classes of merchants, there were several companies, as we have seen, differentiated in accordance with the nature of their merchandise; hence the Grocers, the Goldsmiths, the Vintners and numerous other London companies. Elsewhere, on the other hand, most towns appear to have had a general trading company of dealers. There is evidence² that in a large number of towns traders amalgamated in one company to protect their interests. The advantages of consolidation would be apparent to local dealers in preventing friction between the different groups of merchants and complaints of encroachment upon each other's trade, and in settling the relations between merchants and handicraftsmen. Moreover, the goldsmiths, vintners, drapers, grocers and the rest were commonly too few in number to allow of their organisation in isolated groups; hence, while following a great variety of callings, they would naturally come together in a common association for the maintenance of their mutual interests. This serves to explain the heterogeneous nature of the trading companies, a feature which at first sight may well occasion surprise.

The growing differentiation of the mercantile and handicraft classes was stimulated by the efforts of the former to prevent craftsmen from dealing in merchandise outside their mastery. At Newcastle (1486) the Merchant Adventurers excluded craftsmen from retailing merchandise and

*Exclusion
of crafts-
men from
trade*

¹ *Smith, Dictionary*, 114.

² E. Kervin, "The Amalgamation of the English Mercantile Craft": in *English Historical Review*, xlviii, 193-194. For the list of towns with companies of dealers, *ibid.* 17-18.

inflicted fines on offenders.¹ The latter contended their monopoly, claiming "to buy and sell all manner [of] wares". But a decree of the Star Chamber in 1526 had down that they were not to engage in trade unless they first renounced their craft.² At Hull (1499) merchants alleged that they were greatly injured "by tailors, shoemakers and others, which presumptuously hath taken upon them to buy and to sell as merchants"³; and it was therefore enacted that no craftsmen should buy and sell wares, but each as pertained to his craft.⁴ At Exeter, on the other hand, retail trade was open to all citizens, and its restriction here applied only to "adventuring beyond the seas"⁵. Elizabeth's charter to the Merchant Adventurers of Exeter (1566) speaks of the many "inconveniences, which of late within the said city hath cropped in and grown by reason of the excessive number of artificers and other idle persons, ignorant and unworly men, who do take upon them to use the art, science and mastery of merchandise and traffic of merchant wares"⁶. The city companies, headed by the Tailors, fought against the attempt of the merchants to establish an exclusive monopoly of foreign trade, but after two years of defaultance the merchants triumphed⁷. John Fisher, the historian of Exeter, who acted on behalf of the merchants, defended their monopoly on the ground that "to be an adventurer is not only to be subject to the perils of the sea, but doth also require more exact knowledge in itself than other trades do, without which the trade is like to be more dangerous than profitable"⁸. Similarly at Bristol, Edward VI's charter to the Merchant Venturers (1551) prohibited "artificers and men of manual art" from engaging in foreign trade "to the great scandal of the merchants"⁹. This cut off craftsmen from foreign trade, but not from retail trade within the town. The history of the Merchant Venturers, or "Merre Merchants", of Chester furnishes another example

¹ *Elizabethan Merchant Adventurers*, i, 3 (1498) 30 (1507) 40 59 (class rechartered). ² *Selected Cases in the Star Chamber*, i, 75, note.

³ *Lancaster, Five Hundred Years of Old Life*, 128.

⁴ *Customs and Household Goods of the City of Exeter*, 109.

⁵ *Ibid.*, i.

⁶ *Ibid.*, 14-15.

⁷ *Ibid.*, 105.

⁸ *Lancaster Merchant Venturers of Bristol*, 40.

of the tendency to exclude the manual craftsmen from sharing in trade. They were incorporated by charter for foreign trade in 1353, and no member at first was allowed to exercise any manual occupation or to sell by retail. But the actual traders refused to abandon their right to traffic in foreign parts, and after many years' dispute they were admitted to the company in 1383, though craftsmen continued to be excluded.¹

*Weakness and
defects of
the guild
system.*

The historian is apt to be influenced unconsciously by what we may term "economic fatalism", the belief that social evolution moves along inevitably to some predestinated end. The society in which we live is so deeply rooted in our everyday thoughts and habits, that the sequence of historical events which has brought it into being appears to us un-avoidable and unalterable. From this standpoint it has been possible to bestow praise upon the craft guild, in spite of the fact that its fundamental principles are in many respects so completely at variance with modern ways of thinking. It is contended that the pressure of the guild system in a primitive age, accustomed to the rudest forms of decent, inculcated a public opinion in favour of those social and economic virtues that have now become a commonplace, and schooled men to recognise elementary notions of honesty in trade and industry. It would then follow that, with all its uncompromising and rigid harshness, the guild system could be justified as an indispensable stage in our development. We scarcely know, however, sufficient of the factors which have moulded the national temperament, and created a social conscience, to postulate this view with certainty. But what we can do is to recognise that the guild system had certain qualities which may still afford an inspiration to our own age, and certain defects which may still furnish a warning. Both praise and censure alike must take into account the economic environment under which the guild system grew up and flourished, the current conceptions of morality so widely different from the classical postulates of modern economists, and the conditions which

¹ *Monks, Chester*, 475-476.

facilitated their application. On the one hand, for the purposes of a local market the craft gild was admirably designed to achieve its object, the limited production of a well-wrought article. Apprenticeship afforded ample opportunities for a thorough system of technical training, and the inspection of workshops stimulated and encouraged a high standard of craftsmanship. The regulation of wages and conditions of labour, if often prompted by the interests of the masters, would tend to protect the journey-men against arbitrary oppression and to set up a standard which was probably on the whole not unreasonable or unfair. Again, the determination of prices and the quality of wares sought to protect both the seller and the buyer, and to establish rates of remuneration for the craftsmen that were commensurate with the labour involved. It has often been remarked that medieval authorities endeavoured to fix prices according to the cost of production. Starting from the conviction that the labourer was worthy of his hire, their principle was to reward him with a recompense suitable to his station. They did not hold what we may call the theory of minimum subsistence—the iron law of wages—where wages are forced down to the lowest level at which the workman can subsist. Instead, they seem to have recognised that wages should be made to conform to a fit and proper standard of life. Another feature of the gild system was that the scope of individual enterprise was restricted, on the ground that the interests of the community were paramount. A striking example of the subordination of the individual to what was then conceived as the common good is afforded at Chester in 1355. Here a complaint was raised that joiners and carvers, instead of supplying the wants of the officers, sold their wares to Ireland and other places beyond the sea "at an unreasonable, great and dear price" to their own enrichment, but to the discomfort of the community. Accordingly, they were forbidden to send away their work unless they had first obtained special leave.¹ The chief criticism against the craft gild, however, is that it fostered a spirit of monopoly and prevented an expanding

¹ *Woods, Chester*, 475.

jealousy of 'the stranger within the gates', which undoubtedly militated against the expansion of industry. Its monopoly indeed has met on every hand with severe condemnation, and the subsequent efforts of the gilds to confine membership to a narrow and selfish clique merit the censure they have received. But in the earlier stages of craft development the gilds, as we have already contended, can hardly be blamed for excluding from their privileges those who were reluctant to share their charges. The responsibility, if any, must lie with the Crown or the municipality, which employed the gilds as the instruments of their sanctions. Moreover, we have to remember that the town authorities enjoyed the right to control the privileges of the craft gilds in the interests of the community, and could take steps to avoid the dangers of a monopoly. At Coventry country bakers and butchers were allowed to sell bread and meat in the market on certain days in the week¹, and the town traders were forbidden to molest them in any way. At Chester 'foreign' butchers and bakers could normally sell their commodities twice a week, so as to "secure the sale of victuals to a lesser price"². At London and York the victualling crafts were not permitted an unrestricted monopoly, and country dealers were allowed to sell in the market³. A more significant example of the exercise of municipal discretion was displayed when the mayor of Chester, in order to set up a new branch of the cloth trade, introduced weavers from Shrewsbury skilled in the manufacture of "cottons, lincens, russets, boys", and protected the strangers from the native weavers who tried to drive them from the town⁴.

But whatever opinion we may form as to the merits and defects of the gild system, we can at any rate do justice to its most admirable feature, the institution of apprenticeship. Whatever its drawbacks, the gild has bequeathed to us the ideal of technical training and sound craftsmanship, an ideal binding on all skills who work with hand or loom.

¹ *Coventry Lost Book*, 2. 12 (Chester, 1470) ; 20. 36 (Chester, 1471).

² Morris, *Chester*, 278, 282.

³ *The Liberties of London*, p. 228 (4-7) (Halsbury's). For York: *Howe's London Book*, 1. 37.

⁴ Morris, *Chester*, 282 (1520).

CHAPTER IX

THE WOOLLEN INDUSTRY

THE first great impulse towards a native manufacture of cloth, "the wealthiest and richest commodity of the kingdom,"¹ came in the reign of Edward III., but the history of the English woollen industry can be traced far beyond the fourteenth century. We have already seen how the weavers under Henry I. and Henry II. established guilds in London, Oxford, Lincoln, Huntingdon, Nottingham, Winchester and York.² Of these the most considerable was the guild of London, whose weavers paid a farm of twelve pounds into the Exchequer, while the rest contributed sums varying from ten pounds in the case of York to forty shillings in the case of Huntingdon and Nottingham. Another important centre of the cloth trade was Shrewsbury, where dyers and weavers are mentioned in an agreement drawn up in 1170 between the lord of Shrewsbury and the convent of Peterborough.³ At one time Shrewsbury had been to become the seat of a University, and to rival the supremacy of Oxford and Cambridge.⁴ In every part of the country an organized weaving industry was carried on during the twelfth and thirteenth centuries, and as its early history still remains obscure it is worth while to notice the places where it flourished. In Yorkshire the chief centre of the cloth trade was the city of York itself, but York did not enjoy, as is sometimes thought,⁵ the sole monopoly of cloth-

See
History of
the woollen
industry.

¹ *Coke, Second Part of the Institutes*, 41.

² *Ibid.* p. 320.

³ *York City and Corporation* is 170.

⁴ *Colindale I. (Oxford Hist. Soc.)* for an account of the Shrewsbury College.

⁵ *Green's Gold Merchant*, i. 208 (p. 7). *English Economic History* is 212.

making in the county, for other Yorkshire towns including Beverley and Scarborough could also manufacture cloth.¹ The woollen industry began to spread through the West Riding, and at an early period Wakefield Halifax and Bradford were closely connected with it.² This shows that the textile manufactures were growing up in country places as well as in towns. Indeed the regulations of the gild merchant of Leicester³ in 1264, forbidding craftsmen to weave the cloth of neighbouring villages unless they were short of work, would suggest that the industrial rivalry of the towns and country districts is older than historians of the cloth trade seem to have recognised. Incidentally, it is an additional proof of the size and importance of the textile manufacture. There are signs that the woollen industry was spreading also in the villages of Gloucestershire, Somersetshire and Hampshire; thus there were fullers at Clivedy and Harehobury, weavers at Cheltenham and Dunster, and dilling mills at Wotton, Sutton and Alceford.⁴ In Norfolk the worsted trade was established at Wensford and Aylsham. Norwich itself had not yet become the seat of a weaving industry but traded in leather and leather goods, although the French chronicler, Joinville Barrebourg, explains the easy capture of the city by rebels in 1174 on the ground that the men of Norwich "for the most part were weavers. They knew not how to bear arms in knightly way". However this may be, a number of inhabitants were engaged in the finishing processes of the woollen industry, felling and dyeing.⁵ In Suffolk⁶ we find mention of fullers at Bury St. Edmunds, cloth-dealers, dyers and weavers at Ipswich,

¹ *Feet of Fines* 1139-1228 p. 209. See *Feet of Fines*, Early Yorkshire Charters, 2, 285, 300 Henry II. Statute to the weavers of York.

² *Feet. Group Hist. Yorkshire*, 2, 407-408. Bradford had a tiding mill in 1211 worth less a year; *James History of Bradford* 50.

³ *Records of Leicester* 1, 102.

⁴ For Clivedy, Harehobury and Cheltenham. For County West Gloucestershire, 2, 107. For Dunster. For County West Somersetshire, 2, 210. For Wotton etc.: *Feet. Group Hist. Hampshire* 2, 278.

⁵ For the dyed trade, see *ibid.* p. 410; and the Norwich Records 2, 39, 128-129. A weaver at Norwich is mentioned in the last will of 1249. *Walton, Last Jurisdiction*, 30.

⁶ *The Story of Suffolk* *Journal* 26. For Blackbourne, *Feet of Fines* (London) 2, 105, p. 120. For Ipswich. *Proceedings of the Suffolk Institute of Archaeology*, 22, part 2, 132-133.

and textile workers at Blackburne. The existence of a cloth manufacture in Lancashire is shown by the erection of fulling mills on the Irk at Manchester¹, and at Colne and Burnley², while the Golden Book of Durham refers to the dyers of Darlington³. Cloth-makers from Rouen are said to have settled in Essex early in the fourteenth century; and at Colchester the cloth industry already absorbed the chief energies of its inhabitants, another centre being Coggeshall⁴. Oxford held the leading position in its own county, but Woodstock⁵ also could boast a weaver, dyer and tailor, while weavers figure early in the list of burgesses at Wallingford in Berkshire⁶. Even in the west of England the cloth trade had gained a footing and was rapidly developed. At Bridgworth in Shropshire the jury complained, as early as 1205, that the sum of cloth was not held in the borough⁷. At Bristol, according to the tallage roll for 1302, usually one-fifth of the townspeople were connected with the woollen industry⁸, and part of the High Street was termed the Drapery⁹. At Gloucester, where there were weavers and dyers in the time of Henry III., Cheaping Street became known as Dyers' Street¹⁰, and there was a Fullers' Street at Torkesbury¹¹. Finally, there were weavers and dyers at Worcester and Evesham¹², and some indications also of a cloth trade at Cardiff¹³.

Altogether our evidence tends to show that a woollen English
wool
industry
exists. manufacture was carried on in most parts of the realm at an early period, and we shall also see that many local varieties had gained reputation. At the same time we are not without some knowledge of the different fabrics manu-

¹ *Hallam's Manuscript*, i. 123; the mill in 1216 was 216 ft.

² *The County Hist. Gloucester*, ii. 126. ³ *Domesday* for 975.

⁴ *The County Hist. Essex* ii. 374, 376. *The Corporation and other records* 100 pages, p. 126. ⁵ *Hallam's Chronicle of Woodstock* 9.

⁶ *Mag. Willelmi Clive* 4th Ed. App. 40. In 1207 it contained 4 weavers 120 2 fullers 120d. 175. The roll of Bath also contained 10 weavers in the twelfth century. *English Hist. Soc.*, *Ann.* 475.

⁷ *Exon. Antiquities of Shropshire*, i. 328.

⁸ *E. A. Fisher. "The Tallage of 4 Edw. III.", in Trans. Bristol and Glouc. Archæol. Soc.* 100 part ii. 112.

⁹ *Latham's Merchant Venturers* 20.

¹⁰ *Trans. Bristol and Glouc. Archæol. Soc.* 100 part i. 120.

¹¹ *Annuaire de l'Herminette*, in *Annuaire Mémorial* i. 100.

¹² *The Corporation of Worcester*, ii. 123.

¹³ *Records of Cardiff* i. 11.

factured in England in the twelfth century and their relative values. In 1180 the sheriff of Lincolnshire purchased cloth for the king's need, and the Pipe Roll, on which the account was entered, shows that an ell of 'scarlet' cost six and eightpence, an ell of blanket three shillings, green say three shillings, and grey say one and eightpence. The appearance of the word *blanket* indicates an earlier use of the term than has hitherto been known.¹

Article of
cloth

The interest taken by the government in the manufacture of cloth is shown by Richard I.'s famous statute (1197) fixing statutory measures, and assigning four or six men in each borough to compel obedience to its regulations. In practice, however, the statute appears to have been evaded by the payment of fines of *open rage, ad domum meorum*², and in 1200 a large number of towns, including Nottingham, Stamford, Beversley and Lincoln, purchased the rights "to buy and sell dyed cloth as they were wont to do in the time of King Henry"³. At the end of John's reign, Magna Carta again enjoined that there should be "one width of cloth, whether dyed, russet or halberget, to wit, two ells within the lists"⁴. Even London, Norwich and Bristol⁵ were induced to moderate their jealousy of foreign traders, in order to encourage the importation of wood for purposes of dyeing; and large sums were paid as custom-duty⁶. In spite, then, of the scarcity

¹ Pipe Roll, of Hen. II. 1180, xxii. 90. This is one year earlier than the date given in Murray's Dictionary, *ob. obliq.*, *Commons History*, ii. 147. There were two blanket-making in Bristol in 1170: *Franc. Bristol and Gloucestershire*, *loc. cit.* part ii. 117. This completely dispenses of the belief that blanket "was named after the first maker Thomas blanket." *Pipes. Monarchs of the Capetian Family*, 22, 24. For Thomas blanket, see *ibid.* p. 175.

² *Mercha.*, iii. 15 and 170.

³ *Mercha.*, *Exchequer*, 31. This point has been much misunderstood. Many writers have taken it to mean (1.) that the importation of foreign cloth had been forbidden, in order to encourage the native industry, and that the trading towns now bought *Mercha* (woven cloth) from the foreigners, or (2.) that it was an attempt on the part of the ruling classes in the towns to acquire the monopoly of the sale of cloth.

⁴ *Magna Carta*, c. 20. According to the *De antiqua Capitula* laterally it was enacted so that that imported cloth should be 1½ ells in width and 2½ ells in length.

⁵ For London and Norwich, see *ibid.* p. 120. At Bristol (1210) merchants of wool could carry more than forty bags on payment of 2 den. *Chapter Rolls*, p. 62.

⁶ In 1237 London paid 400 *lib.* for licence to import wool. *Mercha.*, *Exchequer*, 122. In 1172 the duty paid on Irish and French (except *Mercha*) was 2000, and at the point of Yorkshire 400. *ibid.* 122.

lands at Ipswich, where they paid export duty "for to pass from the quay to the ports of the sea". The list contains the coloured cloths of Beverley and Lincoln, and cloths of Coggeshall, Colchester, Malden and Sudbury¹. These finer English cloths were also bought for the king's wardrobe, for example, in 1225 the king made large purchases of cloth from Lincoln, York, Beverley and Leicester².

In 1256 the Oxford Parliament prohibited the export of wool, and ordered that "the wool of the country should be worked up in England and not be sold to foreigners, and that everyone should use woollen cloth made within the country"³. It is difficult to determine how far the government was actuated by a real desire to promote the interests of the native workers, and how far it used its control of the wool supply merely as a weapon in its diplomatic relations with the Flemings. Thus in 1271 the export of wool was again forbidden, but the motive here was undoubtedly political. In the previous year the countess of Flanders had seized the possessions of English merchants in Flanders in repayment of a debt claimed from the English king. The government by way of reprisal prohibited the export of wool to Flanders, but finding that wool continued to be sent thither forbade all export abroad. At the same time it embarked upon a policy, the full significance of which only became apparent in the reign of Edward III. It promised that "all workers of woollen clothes, male and female, as well of Flanders as of other lands, may safely come into our realm there to make clothes—upon the understanding that those who shall so come and make such clothes, shall be quit of toll and tallage and of payment of other customs for their work until the end of five years"⁴. But the project of stimulating the native industry does not appear to have borne fruit; and later in the year at the instance of the king of France, the

¹ *Black Book of the Admiralty*, i. 117 and 121.

² *Patent Rolls*, 1225-1227, p. 12. In 1225 cloth was purchased for the king's use as *canabaturum*. *Patent Rolls*, 30 Hen. II. (not made up). For purchases made in 1210, see *infra*, p. 100.

³ Walter Henningburgh *ibid.* 1256, v. 300; *Chronicon. Annals of Canterbury*, i. 270.

⁴ *De Antiquis Legibus Libor*, 127, 127-128. *Regis. Chronicle of London*, 131, 127, 128.

date of Richard and other princes, it was expressly abandoned, the export of wool abroad being allowed except to Flanders¹. None the less it serves to show that the design of introducing foreign weavers into England did not originate with Edward III., but was already present to the minds of English rulers at least two generations before.

Whatever may have been the condition of the English woollen industry in earlier times, there are clear indications that in the early part of the fourteenth century it had already begun to decay. In the time of King John the weavers of Oxford had been sixty² and more³ in number⁴. In 1295 they were reduced to fifteen⁵, in 1299 to seven⁶, and in 1305⁷ all the Oxford weavers were dead and none had taken their place. The weavers of York were in a similar plight. Under Edward I. and Edward II. only thirteen⁸ persons were engaged in the cloth manufacture, and they were unable therefore to pay the weavers' farm of ten pounds for which they were liable⁹. The weavers of Lincoln declared in 1348 that under Henry II. they had numbered more than two hundred, and were a wealthy and powerful body which paid every year a farm of six pounds. In 1321 their payments came to an end, since there were now no weavers left in the city or its suburbs, though a few years later (1326) a handful of spinners were again to be found there¹⁰. Under Henry III. Northampton is said to have contained as many as three hundred cloth-workers, who paid a tax on each cloth as a contribution to the *ferme* kept; whereas in 1354 the town was unable to pay its farm, and the bailiffs who were responsible for it were imprisoned and reduced to beggary¹¹. In the case of Northampton the

State of
the woollen
industry

¹ *Patent Rolls*, 1181-1292, p. 462. In 1274 certain merchants were granted the shipping wool abroad, presumably to Flanders; *Patent Rolls*, 1. 22. 12. 74. In 1277 merchants were required to take wool not to sell wool to Flanders; *Close Rolls Henry Third*, 1277-1280, p. 1.

² *Patent Rolls*, 1270-1280, p. 128.

³ *Ibid.* 100. *Open Royal Letters addressed to Oxford*, 12.

⁴ *Colymbatus* (Oxford Hist. Soc.), no. 95, No. 49.

⁵ *Ibid.* 123. No. 87.

⁶ *Ibid.* 123. No. 87. ⁷ *Pat. Close Rolls*, Northampton, no. 138.

⁸ *Close Rolls*, 1292-1295, p. 266. Taxes on Manchester the following year, 1296, were 12d. in 1284, was worth half the sum in 1290; *Debitum*, 12.

⁹ *Ibid.* 123. No. 87.

¹⁰ *Patent Rolls*, 1304-1305, p. 128.

¹¹ *Ibid.* *Pat.* 12. 82. 2.

weavers, dyers and drapers are said¹ to have withdrawn from the town to escape its burdens because they were too heavily inflamed, but the fact that they were unable to support the taxes is itself an indication of declining trade. Even in London, according to the evidence laid before the justices at the famous *Jury of 1325*, the number of weaving looms had fallen from three hundred and eighty to eighty². This, again, was attributed to the exclusive policy of the gild, which deliberately aimed at restricting its numbers. But while in one place or another particular causes operated to increase the strain or accelerate the decay, it is clear that there was a general decline of industry, in which all towns alike shared.

The
industrial
policy of
Edward II

The government of Edward II., to its credit, was not indifferent to the decay which had overtaken the cloth industry. In the Ordinance of the Staple it foreshadowed the lines of industrial policy afterwards pursued with equal success by Edward III. It enacted that no cloth which was not made in England, Wales, or Ireland, should be bought in this country except by the "king, queen, earls, barons, knights and ladies, and their children born in wedlock, archbishops, bishops, and other persons and people of Holy Church, and seigniors who can spend forty pounds sterling a year of their rents"; the latter alone were allowed to purchase the finer fabrics imported from abroad. But the most significant part of the ordinance was the promise that, in order to encourage people to work upon cloths, the king would have all men know that he will grant suitable franchises to the fullers, weavers, dyers and other cloth-workers who live mainly by this industry, whenever such franchises are asked for³. It would seem that Edward II. had definitely planned the settlement of alien artisans in England, and that his successor only carried out a design already set on foot. The ordinance symbolised the apper-

¹ See Wood, II. 2. At Leicester the statutes laid on weavers and fullers drove them from the town: "of the fullers it was said that some remained in the town, were now only, and he is poor." English Historical Society, *Select Documents*, 132, 232.

² Miller, *Later Chivalry*, p. 324-325.

³ *Public Statute*, 1324-1327, p. 267; *ibid.*, 1327-1328, p. 267.

bishops of foreign manufacturers, and the government took steps to prevent the export of materials for making cloth—tweed and fuller's earth—upon receiving information that Flemings, Brabanters and other aliens, "endeavouring to hinder the making of cloth in the realm", had "been suddenly buying throughout our land all the tunsels that they can find; and also are buying hars, maddler, wood, fuller's earth, and all other things which pertain to the working of cloth, in order that they may disturb the staple and the common profit of our realm"¹.

The reign of Edward III. was a great landmark in the history of the English cloth trade, but to interpret his work aright we must bear in mind that Edward did not create a new industry², but revived an old one. His measures were taken, as he himself states, "in view of the decay of the art of weaving"³. Now the only way in which a native cloth manufacture could be successfully revived, was by inducing foreign craftsmen to settle in the country, and impart their technical skill and knowledge to English artisans. Political and economic unrest in Flanders facilitated the emigration of weavers, and in 1337 Edward granted letters of protection to John Kenge of Flanders, "weaver of woollen clothe", and to "the men, servants and apprentices", whom he had brought with him to exercise his craft in England⁴. At the same time he issued similar letters to all weavers and other workmen of cloth, who came from over the sea with their goods and belongings to ply their industry within the realm. In 1337 a statute possessed the most liberal franchise and "har trailing"⁵: "all the cloth-workmen of strange lands, of whatsoever country they be, which will come into England, Ireland, Wales and Scotland, within the king's power, shall come safely and surely, and shall be in the king's protection

the emigration of Flemish weavers.

¹ *Close Rolls*, 1323-1325, p. 275. *Early Memorials*, 229-230.

² Of the following passage in a charter of James I. (1430): "As the making of cloth hath decayed with the lack of our native population. King Edward the Third" (*Select Charters of Trading Companies*, 1901, 1902, p. 25). "That year the art of weaving woollen clothe was brought from Flanders into England by John Kenge". *Reyns, History of England* (ed. 1710), i. 278 (n. 2). *Salisbury Manus. History of England* (ed. 1842) p. 220.

³ *Close Rolls*, 1323-1325, p. 275.

⁴ *Rotulus Cl. roll.* in part ii. 323, and 325.

and sale-conduct, to dwell in the same hush choosing where they will, and to the intent that the said cloth-workers shall have the greater will to come and dwell here, our sovereign lord the king will grant them franchises as many and such as may suffice them"¹. Letters of sale-conduct were also given to cloth-workers from Zealand² and Brabant³, and we find weavers, dyers and fullers settled in London⁴, York, Winchester⁵, Norwich⁶, Bristol⁷ and Abingdon⁸. Large numbers of Flemings resided at York and were enrolled among the freemen of the city, while the poll-tax returns of 1379 show that they were also distributed throughout the West Riding of Yorkshire⁹.

Edward's experiment was attended with complete success, and in 1363 an old writer was able to say that the English cloth-makers had given so "perfect in this mystery . . . that it is at this instant the glory of our traffic and maintenance of our poore, many hundred thousands depending wholly on the same, chief pillar to our prince's revenues, the life of our merchant, the living of our clothier"¹⁰. Not only did Edward encourage the settlement of alien craftsmen, he also took steps to protect the native industry from foreign competition and to ensure an adequate supply of raw material. In 1336 he revived for a period of two years the prohibition against the use of imported cloth, unless the wearer owned a hundred marks of land or rent¹¹. In 1357 the importation of foreign cloth was forbidden by statute, and the use of native cloth was required on all without exception; at the same time the export of wool was prohibited. These restrictions are contained in the same

*See
protection
of industry
under
Edward
I.*

¹ Statute, c. 107.

² *Patent Rolls*, 1222-1225, p. 474.

³ *Ibid.* 124, they settled at York.

⁴ *Ibid.* 129-131, p. 57.

⁵ *Ibid.* 122-125, p. 40; *Close Rolls*, 1222-1225, p. 128.

⁶ *Records of Norwich* ii, p. 100.

⁷ The weavers employed by Thomas Blakel and others settled in 1336 (*Thomas, in 1331 & 1336 only have been shown*, see note, p. 413).

⁸ *Patent Rolls*, 1327-1329, p. 212. For Thomas, see *West County West Yorkshire*, p. 479.

⁹ *West Yorkshire Book* i, p. 200; *West County West Yorkshire*, pp. 429-430.

¹⁰ John May, *A Description of the Estate of Clothing now used within the Realm of England. With an Appendix for the Abinger* (1713). 5. Cf. the account given by Fuller, *Church History* (1664), i, 454-476.

¹¹ *Patent Rolls*, 1222-1224, p. 124.

statute¹ which promised Jewish favours to alien settlers, and must be regarded therefore, not as the product of political exigencies, but as part of a comprehensive design to establish the English cloth trade on a firm footing. They were not, however, permanently enforced. Edward's financial straits cut short the adoption of a consistent policy, and the very next year he granted a licence to the merchants of Lavenham to export wool and import cloth.² In 1347 the export of wool was freely allowed³, but at the close of the reign the Good Parliament (1366) "again reserved the demand that woollen yarn should be employed in cloth-making at home and not sent abroad, while in 1377 it was also ordered that no woollen cloth should be transported before it had been tailed⁴. Thus under Edward III. we have all the elements of a protectionist policy which was steadily maintained throughout the Middle Ages.

Richard II. allowed the export of wool except to France⁵, and it was enough the change brought against the Lancastrian government by Yorkist partisans that wool had "course and passage out of the realm, wherefore all strangers take but little reward to buy our English cloth but make it themselves"⁶. A fifteenth-century writer, George Ashby, urged upon the ill-fated Prince Edward the advice that

"If ye will bring up again clothmaking,
And keep your Commons out of idleness,
Ye shall therefore have many a blessing
And put the poor people in business."⁷

Edward IV., who anticipated the Tudors in his active efforts to advance the welfare of the middle classes, reverted to a policy of protection: "Because that the chief and principal commodity of this realm of England consisteth in the wool growing within the said realm, and to the intent

¹ Statute, i. 216.

² *Ipswich*, a page 2 copy. The Privy Seal was granted a similar licence in 1340. *Letter Book F.* 36.

³ *Ibid.* ii. 100 a.

⁴ *Statute* ii. 14.

⁵ *Ibid.* i. 269 B; Statute i. 391.

⁶ C. L. Kingsland, *English Historical Literature in the Fifteenth Century* (1903), pp. 20-1. *A. D. C.* 100-101. "Commercial transactions", p. 267. For the origin and the wool exports see *ibid.*, p. 268.

⁷ George Ashby's *Proverbs*, ed. H. B. Boswell (1892), 10.

that sufficient plenty of the said work may continually abide and remain within the realm as may competently and reasonably serve for the occupation of cloth-makers of England, and of all the members and branches of the same¹; therefore shew we not to export wool to foreign countries². The following year (1464) the importation of foreign cloth was also forbidden³, and in 1467 the series of enactments was completed by a prohibition—afterwards confirmed by Henry VII. and his successors—against the export of raw, scoured cloth in order that the king's customs might be increased and weavers and sellers of the realm well occupied⁴. In these various ways, by prohibiting the export of manufactured goods and the export of raw material, the government fostered the growth of the English clothing industry. Its measures, while often merely tentative and sometimes dictated by sheer political considerations, mark nevertheless the definite adoption of an industrial protective policy, which gradually crystallised in the famous mercantile system. This policy of state protection was in essence an extension of the spirit which had led the burghers of each medieval town to set up commercial barriers against every other town. The instinct to protection from being drive had become national.

*Progress
of the cloth
trade*

Edward III. had made a strenuous attempt to transform England from a land of agricultural labourers into a land of industrial artisans, and his efforts to develop a native cloth manufacture were rewarded with surprising success. One proof of its progress during his reign is that woollen cloth was being exported in sufficient quantity to make it worth while, in 1347⁵, to impose custom duties upon it. The Commons petitioned that "the new custom lately set" might be taken away⁶. But the reply was unfavourable: "The king, prelates, cardinals and great men will that the custom should stand; for it is good reason that such a

¹ Statute, R. 320.

² Stat. R. 320.

³ Stat. R. 320. Confirmed 1467 (Stat. R. 320); and 1504 (Stat. R. 321).

⁴ *Policy 1467*, 1142-1143, p. 424. The customs imposed on woollen cloths exported from England were 3% upon drapery and 2% upon shens or cover cloths or more. (1) 23 and 24, on worsted cloths. Cloths were made the staple for exported cloths in 1527. (Statute in part) 1527.

⁵ Stat. Part. 1, c. 114 & 1.

profit be taken of cloth wrought within this realm and carried forth out of the land, as a profit is taken of wools that are carried forth". The king could also have added that English cloth had paid export duty as earlier wools.¹ None the less the exporters of cloth had an enormous advantage, for while wool was ultimately burdened with a toll of 33 per cent., cloth paid less than two.² The evidence of statistics serves to show how abundantly this progress was maintained during the fifteenth and sixteenth centuries. In Edward III's reign about thirty thousand sacks of wool would appear to have been sent abroad year by year, but a century and a half later this number so far from increasing had fallen to a quarter, and some years later to a sixth.³ Nor was this extraordinary shrinkage due to any curtailment of the area devoted to the growth of wool. On the contrary, it was contemporaneous with the great agrarian movement which was covering England with sheep-farms in place of corn-fields. But wool was now being supplied to the home market; it went to meet the demands of the native clothing industry, the growth of which is one of the most striking economic phenomena of the later Middle Ages. The figures which illustrate the expansion of the cloth trade are in remarkable contrast with those of the wool trade. In 1355, according to an old account preserved by Minshull,⁴ between five and six thousand cloths were exported. At the end of the fifteenth century, the Merchant Adventurers alone were exporting annually some 60,000 cloths; in 1505 the number had risen to 84,582, and in 1547 to 222,354.⁵ These figures afford eloquent testimony to the progress of a revolution which was converting England into an industrial country, whose staple export was no longer raw material but manufactured commodities.⁶

¹ *Ibid.* p. 100.

² *Ibid.* *English Handicrafts* n. 5.

³ *Ibid.* n. 13.

⁴ *Circle of Commerce*, 119. The date is given as 1411, and the figures are as follows: (a) Exports: 32,671 pounds of wool, value 36,000 marks, 27,000 cloths, value 400,000 marks; (b) Imported cloths: value 140,000 marks; (c) Imports: 2150 cloths, value 30,000 marks. ⁵ *Ibid.* pp. 101-2, 102.

⁶ A detailed statistical survey is given in 1547, though based on different figures, arrives at a similar conclusion. See the extract from *A Survey*

*Prosperity
of the
town*

The advent of a manufacturing class was fraught with manifold economic significance. It is reflected especially in the new sense of power and growing wealth of the towns. In 1214 the inhabitants of Eyn¹ mastered only a few shillings between them, while before the century had closed the town could boast of no less than five bourgeois worth four hundred pounds each. A view of arms was held at Bridport in 1229 and again in 1233, and the contrast between the two periods enables us to measure the marked advance which the town had made in prosperity². Of the growing wealth of the country there is striking testimony in the words of a Venetian, who wrote at the end of the fifteenth century: "In one single street named the Strand leading to St. Paul's", he tells us, "there are fifty-two goldsmiths' shops so rich and full of silver vessels, great and small, that in all the shops in Milan, Rome, Venice and Florence put together, I do not think there would be found so many of the magnificences that are to be seen in London"³. Everywhere a class of rich bourgeois came into existence, whose houses and plate and tapestry all bore witness to their material progress. In the graduated poll-tax of 1379 the mayor of London was assessed on a level with an earl (four pounds); the aldermen of London and the mayors of large towns like Norwich (two pounds), great merchants at a pound, and smaller merchants at a mark or less⁴. Their prosperity was evinced also in a display of public spirit such as marked the best days of the Roman Empire, in the foundation of hospitals and schools, the repair of roads and bridges, and many other spheres of public utility. A clothier was the founder of Manchester Grammar School⁵, while a bourgeois of Gloucester

¹ *Letter to our Lord Treasurer's Grace* (1221) printed in the Appendix to *St. John and H. H. Halliwell, The King's Customs* (pp. 112-121). According to the figures here given, the exports at St. Eyn¹ were 11,000 marks of wool for which the custom and subsidy amounted to 20s. 12d. and 4s. 8d. duties for which the custom was 12s. 6d. In St. Eyn¹ still later dates were reported 11,500 marks (wool, etc.), producing 10,000 shillings and foreign exports 400 marks (producing 200s.) 12s. 6d. further, 10,000 shillings (200s.) during 1264-65, 25, 30 were reported. ² *Quoniam* from 1246 to 1257.

³ *Mem. M^{rs} Com. 14th Reg. Hen. 7th*, 486, 487. In 1499 the goldsmiths of the Strand, which street contained no less than 100 shops, had

in 1251 bequeathed a sum of five hundred pounds to be employed in loans to poor men and "young beginning men in merchandises of the town of Gloucester"¹. At a later period a merchant tailor bequeathed money "to support young men which are full minded to make cloth within the town" of Bristol². The reign of Henry VI. was specially noteworthy for the benefactions of wealthy London citizens. Richard Whittington³ and William Eastfield⁴—both members of the Mercers' guild—devoted their wealth, the one to the Guildhall and its library and to rebuilding Newgate, the other to supplying the city with water; and another citizen, Simon Eyre, erected at Leadenhall a granary for the storage of corn against times of scarcity⁵. Many magnificent churches built by wealthy clothiers still cover the country-side, though the prosperity to which they were born witness has long passed away to other centres of industrial activity⁶. Signs of industrial wealth meet us in fact on every hand, in the erection of churches and churches, market crosses and paved streets, gates, bridges and harbours⁷. The towns were now in a position also to lend money to the king, a further indication of their progress. Edward II. had borrowed from London as early as 1308⁸, but Edward III. and his successors borrowed from other towns⁹.

Throughout the greater part of the Middle Ages, industry and commerce went left on the whole in the hands of local

¹ Gloucester Corporation Report, 126.

² *Notes & Queries*, 21 (1924).

³ *Letter Book A*, at 15. For Whittington's will, see *Stowe, Calendar of Will. A*, 126. ⁴ *Letter Book B*, 126. ⁵ *Ibid.*, 112.

⁶ Examples of churches built or added to, by clothiers are Stow's Church (Lancashire, *Illustrations*, v. 12), Newgate, Levensham (1916, pp. 412, 413).

⁷ *Quoniam*, from *Lib. 1*, 11. Mrs. Stowe has painted the history of Elizabethan-country towns as glowing colours, but there is also another tale to be painted in the same area. Many towns appear to have declined in prosperity judging for example by the numbers of the *Place Maps* (1914, p. 194), and (5) numbers of the *Index* (1914, p. 194).

⁸ *Palmer, Edw.*, 1307-1310, p. 114.

⁹ *Edw. and Edw. II. borrowed "summe of money" in 1325 from Hereford. Mrs. Stowe, *Chron.*, 1325, *Reg.*, 1325, or p. 194. In 1326, several towns petitioned for the appointment of three loans in the County. *Med. Port.*, v. 247 a. For the list of towns contributing to loans in 1326, 1328 and 1329, see *Marshall, Annals of Commerce*, i. 158, 160, 161. For loans from Bristol see *Palmer, Georgian Society*, 60-61. For loans from Coventry, see *Letter Book*, 12 p. 120. Also see *Almon, Rural England*, 1814.*

authorities. The cloth manufacture was the first branch of industry to be subjected to national control and a uniform system of regulation, an indication of its importance as a source of revenue to the king and of wealth to his subjects. A seventeenth-century writer, John May, who was himself an alnageur's deputy, commemorates the details practised in the woollen industry in his day¹: the mingling of different kinds of wool which made the cloth uneven, and the details in the weaving, making, dressing and dyeing of cloth. The anxiety of the government to maintain a high standard of quality led to the institution of the office of the alnage, which was already in existence under Edward I². An early statute (1225) ordered that the warden of the alnage should deliver yearly to the Exchequer the extracts (rote rolls) of his office, containing "all the defaults which he hath found in cloths throughout the realm"³. But the control of the government was irksome to the trading classes, and when Edward II ordered the mayor of London to proclaim that no merchant should sell cloth until it had been measured by the alnageur, John Peacock, the citizens opposed his authority on the ground that it infringed the liberties of the city, and refused to let the proclamation be made⁴. Until native cloth was manufactured in England on a large scale, the alnageur was concerned with the supervision of imported cloth. His functions were to test both the measurements and quality of each piece of cloth, to affix his seal when the cloth was sound and condemn it when defective, and to ensure uniformity of "length, breadth, weight and goodness"⁵. At first the alnageur received an allowance from the Exchequer⁶, but by an act of Edward III. he was given a fee of a halfpenny on every whole cloth and a farthing on every half cloth, and was also appointed to collect the customs levied on it⁷. He was allowed to depose his office to others with the king's assent⁸, but was required to answer for his deposee as for himself⁹. Complaints were some-

¹ *A Description of the State of Clothing* 24.

² *Mattheu, Exchequer* 228.

³ *Statutes* i. 420.

⁴ *Forster, Peck* 5, 11.

⁵ *May, op. cit.* c. 18.

⁶ *Ibid.* 9.

⁷ *Statutes* i. 250.

⁸ *E.g. Rotuli Rollis, 1225-1228* p. 272. *Ibid.* 1228-1229, p. 41.

⁹ *Ibid.* Part. ii. 1228-1229.

times made that the sellers sold defective cloths "to the discredit of the people and the very great scandal of the king", and it was ordered (1328) that they should be punished with the loss of their office.²

The policy of the government, however, was not consistent. Of Richard I's assize of cloth we have already spoken, and the principle which it embodied was also laid down in Magna Carta. Edward II., in the Ordinance of the

and mark it," by which mark a man may know how much the cloth containeth" and the price he should pay¹. But the concession to alien merchants was only a temporary expedient and did not mark a permanent change in the attitude of the government, for in 1375 the statute² was removed and in the reign of Richard II. was several times confirmed³. In 1394 the traditional policy of standard measurements was again for the moment abandoned: "Every man of the realm may make and put to sale and sell clothe . . . of such length and breadth as him please . . . notwithstanding any statute . . . made to the contrary"⁴. Under Henry IV. the same vacillating policy was pursued, until the statute was confirmed in 1401⁵.

*Standard
Cloth*

Apart from the functions comprised in the office of the *salvageur*, special conditions regulated the sale of cloth in each locality. When commodities were sold secretly the king was apt to go without his customs⁶. In the interests, therefore, of the royal revenue a public place was appointed, at which cloth was warehoused and exposed for sale on fixed days in the week. This also served to prevent "disorderly and deceitful bargains against the franchise and liberties of the city"⁷, a reference doubtless to the prohibition against strangers selling cloth either in retail or to non-burgesses. In London Blackwell Hall, a name corrupted from Bake-well Hall⁸, became the famous centre of the cloth trade, and here was held a weekly market for the sale of cloth brought by country clothiers to the city. It was purchased by the 'mayor and commonsalty' in 1396⁹, and in the following year strangers were bidden to house their cloth at Blackwell Hall and nowhere else, and to sell only between the

¹ Statute i 370.

² Stat. i 309.

³ E.g. 1376, 1376, 1377. Stat. ii. 12, 22, 40.

⁴ Stat. ii 17.

⁵ 1394 (Stat. ii. 139) the statute was confirmed; 1401 (ii. 210) repealed. 1402 (ii. 210) confirmed, and in 1411 (ii. 244) again confirmed. See also Stat. ii. 244. Elizabethan regulations touching the sale of cloth were laid down in 1571 (ii. 402), and in 1582 (iv. 134). The statute was also supplemented by local regulations: e.g. at Coventry: *East Angles*, ii. 174.

⁶ Compare *Early and Modern History*, ii. 70.

⁷ *Wiley, Memorials*, 126. Compare *Records of Norwich*, ii. 44 and *Almonde* v. 522, where witnesses declare in cloth is thus purchased.

⁸ *Stowe, Survey of London*, i. 288.

⁹ Stat. ii. 227, according to the edition the date given by Stowe (see *Stat. II.*) should be 1400 (Stat. ii).

hours of eleven A.M. on Thursday and seven A.M. on Saturday.¹ Previously they had been required to bring their cloth "in one of the three designated warehouses."² In 1400, the drapers were empowered to appoint a keeper of the hall³, but it was easier to establish ordinances than to enforce them, and complaints were raised that woollen cloth was sold "in many secret places"⁴. How unwilling were the country clothiers to comply with these ordinances may be gathered from the record, which has been preserved, of a controversy between London and the citizens of Norwich over the sale of cloth. In 1356 London ordered that the new draperies coming from Norwich must not be taken to private houses, but should be carried to *Wanted Hall*, "and there to be sold at certain days and hours and not elsewhere, imposing also certain rates and taxes of money upon the said commodities never before paid or required." Norwich forbade its citizens to submit and appealed to the privy council, which decided that "the citizens of Norwich should continue their trade of carrying and buying and selling of their wares in the city of London as they had been accustomed, without any taxation or innovation to be offered by them of London"⁵. Not only in London but in other towns also, an institution corresponding to Blackwell Hall existed, and a separate place was set aside for the sale of cloth. Norwich⁶ had its "*Wanted Hall*" where cloth was exposed every day in the week, Bristol⁷ its Saturday market in Towler Street, York⁸ its Thursday Market, Ipswich⁹ its Meet Hall, Lincoln¹⁰ its Cloth Market, Southampton¹¹ its Cloth Hall, Beverley its *Canossa Hall*¹², and Coventry¹³, Northampton¹⁴ and Winchester¹⁵ their Drapery.

¹ *Letter Book H.* 440. ² *Ibid.* 51 (1376). ³ *Letter Book E.* 41.

⁴ *Letter Book N.* 341 (1428). ⁵ *Records of Norwich*, p. 142, 144.

⁶ *Ibid.* 50 (1390), 50. ⁷ *Letter Book B.* 4, 21 (1320).

⁸ *Deane's Memoranda*, 124 (1320). "Thursday Market" was the name given to the cloth market in York. *Ibid.* 125.

⁹ *Widdows' Memorabilia of Ipswich*, 198, 199.

¹⁰ *Chancery Rolls*, i. 479 (1350).

¹¹ *Cloth Book*, i. 160. ¹² *Beaverley Town Documents*, 102 (1300).

¹³ *Letter Book E.* 100 (1370).

¹⁴ *Van Coneynste's Handloomweavers*, i. 120 (1300). *Ibid.*

¹⁵ *Patent Rolls*, 1290-1300, p. 202 (1290). At Winchester (South English Golds, 384) wool and leather were sold in the gold hall, or cloth cloth.

*For other
sources.*

The expansion of the cloth trade brought with it new problems and new methods in the economic organization of industry. The foreign weavers were incorporated by the king in 1550 to organize themselves into a separate gild, with two wardens at their head to supervise their work and exercise coercive jurisdiction over their members¹. They made apparently no attempt to evade the authority of the magistrates, for in 1560 they sought the sanction of the mayor and aldermen of London for their ordinances by which they regulated the rule of their craft; and again in 1566 they presented their ordinances for approval². In 1590 the Flemish weavers petitioned the mayor that they might hold their meetings for hiring servants apart from the weavers of Brabant owing to friction between the two groups, "because that the Flemings and Brabanters were wont to fight and make very great affray in the city". Accordingly, it was ordered that the Flemish weavers who sought employment should repair to the churchyard of St. Lawrence Pountney, and those of Brabant to the churchyard of St. Mary Somerset; it was added that the serving-men of either nation could be hired by a weaver of the other nation³. But while the immigrant weavers thus proved amenable to the civic authorities, they refused to submit to the control of the native weavers or to enter their gild. The latter complained of the rivalry of the newcomers who set at defiance their monopoly, and they could urge with some show of reason that those who shared their privileges should help to bear their burdens. This was the real source of the trouble. The English weavers were responsible for the payment of an annual farm to the Crown, from which aliens were exempt, and they claimed that the king ought either to discharge them from their liabilities or compel all weavers to join their gild and con-

vey also have been sold there. *Summery London Journal*, 1590; *Wilmington had a fair-market before the reign of Edward VI.* *Priv. MSS. Conts.* 4th Reg. App. 390. ¹ *Letter Book G*, 150.

² *Mayor's Remonstrance*, 304, 331. In 1566 the ordinances were presented by the Flemish weavers only. As early as 1545 the civic authorities had ordered them to be ruled in the same manner as domestic weavers. *Letter Book F*, 225.

³ *Letter Book C*, 181; *Memorials*, 346.

tribute in proportion¹. The king, however, intervened on behalf of the alien craftsmen, and in response to their petition issued letters patent (1398) that they should not be "in any way hindered from being—or in any manner compelled to be—of the gild of weavers in London, or of other weavers or native workers of cloth within the realm . . . against their will nor may they be bound to contribute to any sum of money by reason of such like gild . . . on the pretence of charters or privileges previously granted to any persons"². In 1398, when the agitation against aliens was at its height and foreign traders were being subjected to heavy disabilities, the London weavers seized the opportunity to renew their demands that the immigrants should be placed under their control, insisting that they were "for the most part called from their own country as notorious misdoctors"³. In the absence of any legal protest, the authorities appear to have shrunk from infringing openly the royal charters granted by the Crown to foreign weavers, but they prevented action in the event of a foreigner being convicted of some default in his trade. However, a few months later, the alien weavers—evidently finding it advisable to submit—agreed to make contribution to the fund which domestic weavers owed the king, according to the number and rate of their instruments. It was also arranged that denizens and aliens should meet every year six weeks before Michaelmas to make search touching the number of looms belonging to each group⁴. But the foreign weavers speedily repented of their hasty compliance, and in 1406⁵ and 1414⁶ the weavers of London had upon occasion to complain in parliament that the aliens would contribute nothing to the fund of their gild. A few years later (1418), the alien weavers in their turn declared that they were "grievously persecuted and harassed" by the English weavers, who would not allow them to ply their craft in London and other towns, contrary to their charter which hitherto they had previously enjoyed⁷.

¹ That this was their intention may be inferred not only from the contents of events but from the petition of the London weavers of 1398. *Parl. Rolls*, 1398-1399, p. 200.

² Printed in *Records of Norwich*, ii, 138.

³ *London Guilds*, 14, 16.

⁴ *Ibid.* 139. *Parl. Rolls*, 1398-1399, p. 202.

⁵ *Ibid.* 140, 141.

⁶ *Ibid.* 141, 142.

⁷ *Ibid.* 142, 143.

It is supposed¹ that the persistence of the native weavers eventually achieved its end, and that the aliens were forced to contribute to their ruin. There appears, however, no clear evidence to show how or when this was brought about. In early the form of the London guild of weavers was greatly in arrears, and since its members were too poor to meet their liabilities the royal officers distrained upon the foreign weavers. The latter claimed immunity on the ground that they were not subject to the charges of the guild, and the action of the king's officers would seem to have been a violation of their privileges. Whether their action was upheld or not by the royal courts we are not told.²

The alien
of the
expansion

A more important problem was the rise of a class of capitalists, which came into existence in the fourteenth century and became increasingly predominant as the Middle Ages drew to a close. We cannot, of course, assert that cloth-making was the earliest industry to be run on capitalist lines. The wage-system existed as the tin-mining industry from very early times, and one tinmer had in his employment over three hundred workmen. The appearance of the capitalist employer was attended here also by complaints of capitalist exploitation. The large tin-producers, it was alleged, "usurped works and compelled straggly men to labour there for a penny a day, whereas before they worked above twentypence worth of tin each day, with the result that the tinners have all left their mines."³ But the conditions of the English cloth trade facilitated the growth of capitalism on a large scale, and opened up a new stage in the evolution of industrial organization. On the one hand, an ever-enlarging market and a corresponding increase of production made the investment of capital a profitable venture; on the other hand, the variety of processes and division of occupations—involved in the preparation⁴ and manufacture of cloth—seemed to

¹ Ashley, *Business History*, ii, 100.

² For the case before the Woolsack Court in 1386 see *Medieval French Papers*, 115 *in. 5*.

³ G. H. Lewis, "Tin Mining", in *Proc. Cornish Hist. Council*, i, 230.

⁴ Compare Leachman, *From the Plowman*, p. 170; 412. "Work that results in the weaving is most costly to wear."

require that the woollen industry should be organised on a capitalist basis. The 'captains of industry' whom Edward III invited to England were clearly not simple artisans, but capitalists. John Kenge brought with him from Flanders "men, servants and apprentices"¹, and "the workmen of wools and cloths", who came from Zealand, had also their men and their servants². Many of the citizens of Lincoln kept hired weavers working cloths for sale³, and at Bristol we even get glimpses of the beginnings of a factory system. In a writ of 1399 addressed to the mayor and bailiffs of Bristol, it was stated that Thomas Blakel⁴ and certain other burghesses had set up instruments for weaving cloth, and employed in their own houses 'weavers and other workmen'. The writ adds that the mayor and bailiffs had "unjustly exacted divers sums of money from them by reason of their setting up their instruments"⁵. It is possible that the authorities disapproved of the attempt to concentrate hired workmen under one roof, and their hostility was perhaps stimulated by feelings of racial jealousy⁶. But more probably their action was dictated by neither of these motives, for it was a normal practice to levy a yearly tax upon the weavers of towns. At Nottingham⁷, Winchester⁸, York⁹ and Wycombe¹⁰, among other places, weavers paid a tax for the licence to erect looms, and the money thus raised went to the funds of the city.

At the end of the fourteenth century the great clothiers were already in existence¹¹, though they were not in all appearance a numerous body. The *merchants'* accounts for the year 1395 have fortunately been preserved; they are a valuable source of evidence in showing that capitalism had

*Industrial
archaeology
in the
fourteenth
century*

¹ *Dynast.* 2, part 2, 825.

² *Ibid.* 46.

³ *Parish Rolls, 1316-1320*, p. 100.

⁴ *Quell.* 2, 1267-1268: *Letters of Council of Bristol*, 40-41.

⁵ *Parish Rolls 1399-1401*, p. 100. *Ibid. Part.* 2, 440-1.

⁶ *West. Sussex* 24 mentions that the weavers were "obviously foreigners", and that is not surprising.

⁷ *Full Company of the Nottinghamians*, p. 125.

⁸ *Ant. and. Journal*, 28, 77. ⁹ *York Memorandum Book*, 1, 142.

¹⁰ *West. Sussex Compt.*, 165 Reg. 400, 106.

¹¹ *Ant. and. Journal*, 2, 108, considerably post-dates these accounts, says: "There is no evidence of a class of capitalist manufacturers till towards the middle of the fifteenth century."

already established a footing in the cloth trade. In Seelick 733 cloths were divided among 120 manufacturers, of whom only 7 or 8 reached a score. At Ramsey in Hampshire there were 4 clothiers who produced from 30 to 40 'dozens' apiece, and on the Isle of Wight one clothier paid salvage on 10 cloths and another on 40. In Essex capitalist production was on a larger scale; 1200 narrow cloths were made at Coggeshall by 9 masters, and 1200 at Buresby by 8 masters. But the most striking evidence of capitalist enterprise is found among the west country clothiers; at Barnstaple one manufacturer paid salvage on no less than 1000 cloths, another on 1005, and 4 others on 2000; at Salisbury 125 persons returned 6600 cloths. On the other hand, Cornwall produced altogether only 90 cloths among 13 clothiers, Kent had but one clothier who owned more than 30 cloths, and Winchester but 3 clothiers who had more than 100 cloths. The average number of cloths assigned to the manufacturers of Yorkshire was apparently as low as 20¹.

Origin of
the form of
clothing

In the closing years of Richard II.'s reign the large manufacturers were apparently restricted to a few centres, but the rapid extension of the woollen industry soon brought in its wake a growing body of capitalist employers. How the class of clothiers originated must remain largely a matter of speculation. Some were doubtless dealers in wool², who caused the raw material to be worked up into cloth and then disposed of it in the market. Others were shearmen or cloth-fishers, who employed workmen in all the earlier processes of carding, spinning, weaving, fulling and dyeing. To some extent the final processes of cloth-making must have been in the hands of men of substantial position, who might be expected to have some command of capital. It is of any real significance to read of a mayor of Canterbury, who had given up his trade as a vintner, that he "took upon him the occupation of making of cloths and lived like

¹ But in 1501 one manufacturer paid the tax on all whole cloths and 20000 small cloths. I have taken these figures from *Salisbury English Medieval Industries*, 157-158: *Full County Hist. Hampshire*, v. 410; *Full County Hist. Yorkshire*, v. 420.

² *Journal, Economic History*, n. 216.

a gentleman"¹. At Knaresborough also, the cloth trade attracted a 'chevisher' who took to cloth-making². There is evidence, moreover, that dealers in cloth were sometimes recruited from those engaged in the more subordinate branches of the woollen industry. An important ordinance of the king in council in 1364 asserts that "dyers, weavers and fullers, who used to labour out of their own mastery, are become makers of drapery". They were therefore admonished to "keep their own office and not meddle with the making, buying or selling of drapery, on pain of imprisonment"³. But the statement made by some authorities that Nicholas Brembre, mayor of London, disfranchised artisans, weavers and tailors for competing with dealers, rests upon a misapprehension⁴. These men were already dealers, and were disfranchised not for infringing the monopoly of the merchants, but for seeking admission to the franchise of the city through a gift other than their own to avoid the payment of heavy fees. Lastly the tailors of Bristol⁵, who made cloth into garments, were allowed to deal in cloth as drapers, and possibly they also assumed control of its manufacture.

It was in the nature of things inevitable that the dealers, who traded in cloth, should organize the different branches of the woollen industry under their own control. The guild system broke down earlier in the weaving industry than in any other direction. The rapid growth of the cloth trade was incompatible with the old restrictions, and the means

The control of the cloth trade came into the hands of the dealers.

¹ *Ann. MSS. Socy.* 246 Reg. part i App. 174.

² *West. County Hist. Yorkshire*, ii, 405.

³ *Parl. Rolls*, 1364-1365, p. 2.

⁴ *Merchants, Livery Companies*, i, 30-2 (followed by Cunningham, *English Industry*, i, 36), and *Asling, Woollen Industry*, 171) give a passage from *Northwich*. In 1375 Brembre, then mayor, is stated to have disfranchised several freemen for following trades to which they had not been brought up to.

⁵ *William Northwich* free of the weavers, for that he occupied drapery or the selling of cloth." A reference to *Letter Book B*, 137 vfo, sets the incident in a new light. The Drapers complained that William Northwich—who had become used the art of drapery—had obtained the freedom of the city through the Brethren, contrary to the custom of the city, in order to avoid the payment of higher fees, which the Drapers, acquainted with his resources, would have wanted. Northwich's admission on nomination that he had never used the mastery of weavers as a common workman (i, 240 vfo) and similarly for the other cases.

⁶ *Doc. Westport Tynners of Bristol*, 32, 33 (1367).

texture overlaid from the towns into the suburbs and country districts¹, where it ran its course free from any impediment or restraint. The ordinance of 1364 drew attention to "defects in the making of cloth" and stipulated that dyers changed the wool, weavers the thread, and fullers the drapery². Again, in the sixteenth century (1570) an act "against the doctified making of woollen cloth" repeated the injunction that weavers and fullers "shall truly weave, full, thicke and work every web of woollen yarn", while carders and spinners were also forbidden to appropriate any of the wool delivered to them³. The frauds perpetrated by artisans could not well be alleviated, unless the clothiers had full knowledge and experience of the work in all its processes. At Coventry in 1518 this control was simply secured; two weavers and two fullers made search of the weavers and fullers, and six drapers were appointed "to be masters and overseers of the doing of the stretchers"⁴. Similarly at Worcester the cloth trade was in the hands of the drapers' craft, and artisans were allowed to make cloth only for their own use, "but not to the prejudice of the drapers". Their influence is also seen in a regulation (1499) compelling weavers to employ one journeyman at least for every loom they occupied, the object clearly being to ensure that the weavers did not spoil the cloth given out to them by the bad workmanship of half-trained apprentices⁵. The wealth and position of the drapers, who were greatly represented among the town magistrates, enabled them with comparative ease to manipulate the municipal council in their own interests, and acquire an effective authority over the different crafts engaged in the local industry. The extent to which they expressed civic office may be illustrated from the records of Coventry. In 1449 a list was compiled of craftsmen who were obliged to provide armour, it enumerated 53 drapers of whom 16 had been in office, 27 dyers comprising 7 ex-magistrates, 53 weavers including 2 ex-magistrates, and 64 tanners and shoemen and

¹ *Ibid.* p. 426.

² *English Statute, 1364-1365* 29-30.

³ *Statute, 1570*, continued in 1572, *ibid.* 32-33.

⁴ *Local Hist. of Coventry*, 10, 621.

⁵ *Local Hist. of Worcester*, 2, App. 1300.

by fallen of whom none at all had attained to civic dignity.¹ The significance of this transition from the guild to the capitalist system cannot be overestimated. The essence of the guild system lay in the control of industry by the industrial workers themselves, through an elected authority supported by them. In the capitalist system, on the other hand, this control is transferred to men who stand outside the ranks of the industrial workers, and are frequently in conflict with them.

In the sixteenth century the whole control of the woollen industry came to be concentrated largely in the hands of capitalist manufacturers. The clothier was now the pivot of industrial organisation, and his position at the head and centre of the cloth trade enabled him to supervise and direct every stage of the manufacture. After the wool had been shorn it was purchased either directly from the farmer, or through a broker—when the small peasant bought on credit. It was then carded and spun by spinners, and afterwards delivered to weavers, fullers and shearmen. The spinners were generally women and children, who appear to have been without any separate organisation, and as will be seen they were the most easily exposed to capitalist exploitation. The weavers enjoyed greater economic independence, and from their ranks, as already mentioned, the employers were often recruited. Sometimes they were brought together under the roof of their employer, though the factory system was the exception rather than the rule. But even where they still worked in their own homes, their looms often belonged to the clothier², and their growing subjection is shown in the complaints made by the Suffolk and Essex weavers in 1533, that the clothiers had both their own looms and weavers and fullers in their own houses, so that the peasants were rendered destitute: "for the rich men, the clothiers, be concluded and agreed among themselves to hold and pay one price for weaving of the said clothe", and a price too small to support their households even by working day and night, holy day and work

Depression
due to the
woollen
industry in
a capitalist
state.

¹ Last Book, iv, p. 216.

² For the factory system, see infra, p. 428; for hand looms, p. 429.

day; accordingly, many of them were reduced to become other men's servants¹. Thus the industrial independence of the weaver began to disappear, and with its loss the master weaver became to all intents and purposes a hired servant. The extent to which those engaged in the different processes of the woollen industry had become dependent upon the clothier was signally shown in 1525, when Wolsey endeavoured to raise war taxes. The clothiers of Suffolk under pressure from the minister submitted to the imposition, but were left without money to pay the wages of their men. They were forced to dismiss the carders and spinners, weavers and fullers, whom they employed, and a revolt against the government was only narrowly averted². The incident serves, in part at any rate, to explain the apprehension with which the Tudors viewed the development of the capitalist system. Upon the discretion and foresight of a limited group of men had now come to depend the welfare and even the existence of the great body of industrial workers. The abolition of the Tudor and early Stuart has been severely criticised by constitutional historians, but the economic historian at any rate can do justice to their constant efforts to promote the well-being of the labouring classes. The privy council actively intervened on the behalf of artisans engaged in the woollen industry, and insisted that the employer should not turn his men adrift in times of depression. In 1566 the council wrote to the sheriff and justices of the peace in Somersetshire: "that whereas their lordships are informed that the poorer sort of the people inhabiting about the city of Bath and other towns on the easterly parts of the county of Somerset, wont to live by spinning, carding and working of wool, are not set on work, whereby in this time of dearth of corn and victual they lack their common and necessary food, a matter not only full of pity, but of dangerous consequence to the state if speedily order be not taken therein; her majesty, therefore, tendering the use and care of the other hath given commandment that they forthwith . . . consider of the present inconv-

¹ *Letters and Papers (Henry VIII) vol. i* part 1 p. 228.

² *Historical Chronicle*, no. 299.

ventures and how it may be redressed, and for that purpose especially they are hereby authorised to call before them the clothiers and other men of trade in the several places within the county where the people do complain of lack of work, and in her majesty's name to require and command each of them as have stocks and use of ability to employ the same as they have heretofore done, so as by them the poor may be set on work; and if any of them upon any frivolous excuse shall refuse to obey her majesty's commandment herein, they shall certify their names and what their excuse be, that consideration may be had of them accordingly"¹. We may compare the action of the council under James I. (1604), when it informed the justices of the peace that there were many complaints of distress owing to weavers and spinners being out of work; and it was ordering that clothiers should at their pleasure direct their workpeople, for "those who have gained so profitable times need now be content to lose for the public good, till the want of trade be remedied"².

The type of sixteenth-century clothier is portrayed for us in the career of John Winchcombe, familiarly known as Jack of Newbury, who is described by Fuller as "the most considerable clothier (without fancy and fiction) England ever beheld"³. He was unquestionably an historical figure, though many legends have gathered round his name. His will is still preserved in which he bequeathed forty pounds to Newbury parish church and legacies to his servants, and his epitaph survives in Newbury church⁴, of which he built the tower and western part⁵. In the *Journal to Stella* (1701) Swift describes a visit to the famous St. John, afterwards Lord Bolingbroke, who had married one of Winchcombe's descendants. "His lady is descended from Jack Newbury of whom ballads and ballads are written; and there is an old picture of him in the house"⁶. There is a tradition that he entertained King Henry VIII. and his

John
Winch-
combe

¹ *Acts of the Privy Council of England*, 1598-1603, p. 30.

² *Col. of State Papers Domestic*, 1603-1605, p. 367.

³ T. Fuller, *The Worthies of England* (ed. 1840), i. 122.

⁴ Thomas Holroyd, *Wills*, ed. F. O. Mason (1912), 397.

⁵ Fuller, *op. cit.* 122.

⁶ J. Swift, *The Journal to Stella*, ed. G. A. Aitken (1904), 264.

Court, and he is said to have marched to Flockden Field at the head of a hundred of his own men. It is likely enough that he furnished a contingent of men to meet the Scottish invasion, and the pride of their exploits rings through the lines of the old ballad:

"The Chastons lads were briske and brave
And the Kencels lads in fite,
But none surpass'd or I'm a knave
The lads of Newburne"¹

In *The Pleasant History of John Winchcombe* the prosperity of the great clothier is depicted by Thomas Deloney in the most glowing terms:

"Within one room being large and long
There stood two hundred Looms full strong:
Two hundred men the truth is so
Wrought in these Looms all in a row
By every one a pretty boy
Sate making quilts with ruskie joy
And in another place hard by,
An hundred women merry
Were carding wate with joyful cheer
Who singing sate with voices clear
And in a chamber close beside,
Two hundred maidens did abide,
In petticoats of Stamard red,
And milk-white huchens on their head"²

The weavers as they piled their tasks sang the 'Weaver's Song':

"When Hercules did use to spin
And Fallos wrought upon the loom,
Our trade in flourish did begin . . ."³

¹ *History and Description of Scotland and its Borders* (1592), 158. The number is variously given as 100, 120 and even 150.

² *Deloney*, op. cit. 10.

³ And so. In Deloney's *Works* (p. 111) there is an account of Thomas of Bedling in *The History of the Six Peeres*, of whom "every one kept a great number of servants of work, spinners, carders, weavers, fullers, dyers, shearmen and others". This was Thomas Cole, "sometimes called the silk clothier of Bedling" (*Walton*, op. cit. 194), who was supposed to have lived in the reign of Henry I. But he was undoubtedly a legendary figure, and even Fuller admits there is very little truth in the tradition.

The reputation which his cloth obtained may be gauged from the advice of the English survey at Antwerp to the Protector Somerset to send over "a thousand of Wincborne's horses", in discharge of a debt¹. Even at the end of the seventeenth century Jack of Newbury was the chief figure in the pageant of the Clothworkers of London².

John Wincborne was not the only clothier in the sixteenth century who set up a manufactory and gathered servants and looms under the same roof. It is not unlikely that the agrarian changes of this period, which cut so many labourers adrift from their occupation, furnished the labour which clothiers with some capital at their command were able to utilise in the woollen industry. In 1546 William Stumps, a clothier of Malmesbury, rented Ousey Abbey and undertook to receive in his employment as many as two thousand workmen, who were to labour "continually in cloth-making for the service of the city of Oxford"³. Stumps had also converted into a factory Malmesbury Abbey, and Leland's description is well known. "The whole lodgings of the abbey he now langing to one Stumps, an exceeding rich clothier, that bought them of the king . . . At the present time every corner of the vast houses of office that belonged to the abbey be full of looms to weave cloth in. There be made now every year in the town three thousand cloths"⁴. Other famous clothiers were the Springs of Lavenham, the Ternes of Bedford, and Thomas Dolman of Newbury⁵. Thomas Spring, "renowned the rich clothier, bequeathed two hundred pounds to fresh Lavenham staple and money for a thousand masses, and his daughter married Aubrey de Vere, a son of the earl of Oxford"⁶. John Tame, who lived in the reign of Edward IV., built up a large

¹ J. Davies, *The History of West and Wiltshire* (1862), 60.

² *Bartholomew's Survey of London* 1, 287.

³ *Records of Oxford*, 214.

⁴ *Itinerary* 1, 225.

⁵ When Dolman gave up cloth-making, the masters of Malmesbury lamented.

⁶ Lend have money upon an unpayable debtor.

Thomas Dolman has built a new house, and turned away all his sponsors."

(*West County West. Antiquary* 1, 284, 285).

⁷ *Proceedings of the Suffolk Institute of Archaeology* vi, 209 sq. His will was proved in 1424.

cloth manufacturers at Gloucester and kept vast flocks of sheep at Bedford, prospering so well that he became owner of several landed estates. His son, Edmund Tarn, received a writ from Henry VIII., by whom he was knighted; he became lord of the manor of Fairfield and was three times high sheriff of Gloucestershire.¹ Fairfield, observes Leland,² "never flourished before the coming of the Tarns unto it". His remarks on Bath are worth quoting to show the influence which the clothiers were carrying upon the destinies of the towns in which they were established. "The town bath of a long time since been continually most maintained by making of cloth. There were in business sometime three clothiers at one time, then named, Seyle, Kent and Chapman, by whom the town of Bath then flourished. Since the death of them it hath somewhat decayed"³.

But the movement towards a factory system, already foreshadowed in the career of Thomas Blinckok, was checked by the government, which was disquieted at the opportunity it seemed to afford for unruly spirits to collect together in one centre and stir up rioting and disorder. The famous Weavers' Act of Philip and Mary (1555) states that: "forasmuch as the weavers of this realm have . . . complained that the rich and wealthy clothiers do in many ways oppress them, some by setting up and keeping in their houses diverse looms, and keeping and maintaining them by journeyemen and persons unskilful, so the decay of a great number of artificers which were brought up in the science of weaving, their families and household, some by ingrossing of looms into their hands and possession and letting them out at such unreasonable rents as the poor artificers are not able to maintain themselves . . . some also by giving much less wages and hire for the weaving and workmanship of cloth than in times past", therefore no clothier out of a city was to keep more than one wooden loom, and no woollen weaver out of a city to have more than two looms.⁴ This act, however, did not affect the older towns, and its operation

Opposition
to the
factory
system

¹ H. F. Hall, "The Tarns of Bedford", in *Journal of the British Archaeological Assoc.*, xcvi. 1902, pp. 1-10.

² *Itinerary*, i. 127.

³ *Ibid.* i. 127.

⁴ *Statutes*, iv. part 1: 266.

was confined to country districts, but even then forty years earlier Norwich¹ had taken steps to check the growth of capitalism. The Ordinances of the Worsted Weavers of Norwich and the counties of Norfolk, Suffolk and Cambridgeshire (1521) forbade a weaver, who lived in Norwich, to keep above four broad looms and one narrow loom; while a weaver who lived in rural districts was limited to two broad looms and one narrow. At the same time the system of hiring out looms to artisans, which at one time was prohibited in London,² though subsequently (1520) allowed, was completely forbidden at Norwich. It is extremely improbable, however, that these measures, some of which are found elsewhere even at an earlier date³, were really effective in checking the development of a capitalist class in the eastern counties, and indeed the act of 1553 would seem an indication to the contrary.

The intervention of the state was also demanded in other directions. Industrial capitalism began early to give clear indications that, without strict regulation and efficient control, it lent itself easily to oppression. A popular pamphlet on *England's Commercial Policy*⁴, composed in the first half of the fifteenth century, contains interesting references to the grievances of the working classes under the changing conditions of production. The writer complains that merchants and cloth-makers had lately started a pernicious practice of truck, or payment in kind, which bore hardly upon the poor people. They paid them low wages, and half was paid in merchandise which they rated at double its real worth.

oppression
of the
workers

"The poor have the labour, the rich the winning".

He urged that workmen should receive their wages "in good money", and his recommendation was adopted in the statute of 1464. This statute stated that labourers in the

¹ *Records of Norwich* = 220.

² *Notes, Labor Controversies*, 1, 103.

³ E.g. in 1277 the weavers of Faversham expressed their wish to avoid truck, saying more than four times. (*Proc. MSS. Comm. York Reg.* App. vol. 139). Among the weavers of Kent (Arch. Hist. York. VIII) an "ordaine weaver" making coloured clothes was allowed more than one loom; *Records, Cambridgeshire*, in this, see 124.

⁴ *Parliamentary Papers and Selects* vol. I. Wright, Robt. Seward, 1874.

cloth industry have been driven to take a great part of their wages in yarn, girdles, "and other unprofitable wares" at less than their value, and ordered clothiers to pay their workfolk—carders, spinners, weavers, fullers—"liveli money for all their hard wages."¹ Here, however, as in many other directions, local enterprise had already led the way and furnished a model and a precedent for the interference of the central executive. An ordinance against the truck system was made at Colchester² in 1411 and at Norwich³ in 1460. The popularity of Edward's act is shown by the demand of the cloth-workers of Northampton⁴ that it should be put into operation. But legislative action does not appear to have been very effective, for at Worcester⁵ in 1467, and again at Coventry⁶ in 1518 and 1547, the local authorities found it necessary to take steps on behalf of the workers and to forbid truck wages. Complaints were renewed under Henry VIII. by the weavers of Kent⁷, and also in the well-known *Treatise Concerning the Staple*⁸, another statute was passed in 1532⁹ but the practice persisted during the seventeenth¹⁰ and following centuries. In the earlier centuries, the inadequate supply of currency may have been partially responsible for the system. Another device of capitalistic exploitation was to pay workmen according to the weight of the material given out to them, and then defraud them by using false weights. In 1554 Thomas Glouc was sentenced at Norwich¹¹ "for delivering his stuff to be wrought by a weight a great deal above the standard". Again at Colchester¹² (1550) a burgess, William Godfrey, delivered thirty pounds of wool to be combed pretending that they only weighed twenty pounds, "to the deception" of the workers. An act of parliament in 1518 ordered that the wool delivered by the clothier

¹ *Statute*, c. 104.

² *Red Paper Book of Colchester*, 27.

³ *Records of Norwich*, c. 24. Among the ordinances of the London Corporation (1510) there is one against payment in wares. *London and West-Minster Act*, c. 12.

⁴ *Records of Northampton*, c. 301.

⁵ *North. English Yarn*, 267.

⁶ *Coventry Last Book*, [c. 1518], 28.

⁷ *Antient Statutes of Kent*, c. 491, 500, 510.

⁸ *First Dec. ed. Statute*, 37.

⁹ *Statute*, c. 10.

¹⁰ E.g. *First County of Suffolk*, c. 207.

¹¹ *Records, Last Jurisdiction at Norwich*, 21.

¹² *Red Paper Book of Colchester*, 28.

for breaking, combing, carding or spinning, should be of true weight¹, and a like injunction was enforced by local authorities.²

These indications are sufficient to show that the clothiers were often apt to exploit their position at the expense of their workfolk. At the same time they were accused by the public of "unreasonable here" in raising the price of cloth to the consumer³, while the charge was also brought against them that by their defects in the manufacture of cloth they were ruining both the home and foreign markets. The friends of the west-country clothiers were said to imperil the lives of English traders in foreign parts, and were bitterly denounced in a statute of 1550: "The merchants that buy the same clothe, and carry them out of the realm, to sell to strangers, be many times in danger to be slain and sometimes imprisoned and put to fine and ransom by the same strangers, and their clothe burnt or forfeit because of the great deceit and falsehood that is found in the same clothe when they be unpacked and opened, to the great slander of the realm"⁴. Subsequently (1565), it was said that for "many years past and now at this date the workmanship of clothe hath bene of such fraud, deceit and falsity, that the said clothe in other lands and countries be had in small reputation to the great shame of this land", and foreign cloth was also being imported into England⁵. Even when allowance is made for the exaggerated terms in which all medieval statutes are couched, we have no reason to doubt the general truth of these statements. "The ill-working of our clothe", wrote Edward VI. at a later period, "maketh them less esteemed"⁶.

One phrase
of all
statutes.

Complete
with
statutes
relating to
the industry.

The clothiers were also driven into conflict with those who had retained their economic independence in the different branches of the cloth manufacture. The weavers, fullers and shearmen raised the cry, as at Coventry in 1549, that capitalists "for their own private here and gain"

¹ Statute in 1511.

² J. P. Davis, *Woolen in Anglo-Saxon* (Ed. Paper Book of Colchester, 17, Country Life Book no. 77).

³ Statute in 1511.

⁴ *Ibid.* in 1550.

⁵ *Ibid.* in 1565.

⁶ *Decret. History of the Reformation*, in 1547.

expressed great quantities of woollen yarn and sold it *outside* the city, and accordingly it was ordered that yarn should be sold only to cloth-makers in Coventry.¹ Again the dyers made complaint that the clothiers wished to dye their own cloth. At Reading in 1589 the priory council was forced to intervene in the dispute, and it decided that clothiers could dye their own wool, but ought not to entrust entirely upon the craft of dyers by dyeing wool for others.² The introduction of machinery was inevitably a fruitful source of discussion. The shearmen objected to the use of "instruments of iron", and a statute of 1533 ordered fustian cloth to be shearn "with the broad shears" only, and "with none other instrument".³ A few years earlier (1498), the authorities of Norwich forbade shearmen to employ sharp iron instruments which cut the cloth.⁴ Objection was also raised (1558) against the use of any "wrench, rope or ring or any other engine" for stretching or stretching cloth.⁵ But most persistent of all was the agitation over the use of water-mills among the fullers. Fulling at mills instead of "by might and strength of man, and that is with hand and foot", was forbidden in London as early as 1292, and again in 1396, 1398 and 1404.⁶ In 1417 the prohibition was annulled on the ground that fulling by mills involved less cost and was equally serviceable,⁷ but in 1437⁸ it was once more revived, and confirmed in 1483 by statute.⁹

A collision of interests also arose between the clothiers and the Merchant-Adventurers, the great merchant-exporters, who shipped abroad their cloth in a raw state—undyed and unfinished—to be worked up in foreign countries. This was the germ of the protracted struggle between the industrial and trading capitalists, which in one form or another covered a period of many centuries. The export of white woollen cloth was several times forbidden by statute¹⁰, but

Introduc-
tion of
machinery

Export of
undyed
cloth

¹ *Coventry Laid Book*, fo. 101.

² *Statutes*, ii. 402.

³ *Statutes*, iv. part i. 122.

⁴ *Riley, Letter Collections*, i. 128-129 (1498). *Latter Book II.* 43 (1498) 266 (1501); *Latter Book II.* 46 (1502).

⁵ *Latter Book I.* 170.

⁶ *Latter Book II.* 100.

⁷ *Statutes*, ii. 475.

⁸ *Statutes*, p. 491. After in 1504; *Statutes*, vi. 262. Undyed cloth amounted to nearly 40 per cent. of the whole export: *Salmon, English Manufactures*, ii. 17.

⁹ *Reading Brevary*, i. 109.

¹⁰ *Records of Norwich*, ii. 101.

¹¹ *Latter Book II.* 100.

the Merchant Adventurers contended that the export of white and undressed cloth was in the best interests of national prosperity, since foreign merchants would not buy cloth which was dyed and dressed. They dwelt with some force upon the "utter peril and danger" of interfering with a trade, which had grown beyond anything "in the memory of man". English cloth-makers, they urged, had the buying and selling of wool, one with another: they had also the carding, spinning, weaving and fulling, and the first sale of the cloth; while foreigners had only the dressing and shearing of certain of the cloths: "whereby the inhabitants there be a little relieved and a few number of them for a time set to work". If, then, "the realm of England should all cease and they to have no cold nor comfort of the same", there was a danger lest Antwerp and other towns would find ways and means to exclude our cloth altogether¹. It was also a ground of complaint against the Hansards that they would only buy white cloth, "wherewith they set their own people to work"². But an exception seems to have been made in favour of cloth manufactured in Suffolk, for large quantities were dyed and dressed before being exported abroad, and on this account the Suffolk industry received special consideration from the government³.

Under Elizabeth⁴, and particularly in the early part of the seventeenth century, attempts were made to foster a native dying industry: "We have often and in divers manners expressed ourselves", declared James I., "what an earnest desire . . . we have that, as the reducing of woole into clothing was the act of our noble progenitor, King Edward the Third, so the reducing of the trade of white cloths, which is but an imperfect thing towards the wealth and good of this our kingdom, into the trade of cloths dyed and dressed might be the work of our time"⁵. But though the export of undyed cloth was prohibited by proclamation⁶, and

*although
to foster
a native
dyeing
industry*

¹ *Relations, English Merchants to the Netherlands*, 2. 174, No. 121 & 121A-121B.

² *Annales des Indes Orientales*, 50.

³ *Four Centuries of the Suffolk Wool Trade*, 148.

⁴ *Acts of the Privy Council*, 1559-1571, p. 381.

⁵ *Selected Chapters of English Commonwealth*, 78.

⁶ *Chronicle, Statute and Short Proclamations*, 2. No. 2128 and No. 2129.

experiments were made, they were not attended with any degree of success. When the Merchant Adventurers acquired the monopoly of the foreign trade in cloth, the hostility between them and the clothiers was accentuated. The latter found fresh ground for complaint in the allegation (1550) that the Adventurers "by agreement set such a price upon their cloths, that without the loss of twenty shillings in a piece they could not utter them."¹ In 1588 the west-country clothiers complained that the Merchant Adventurers had not purchased their cloth "in such number and at such prices as they were lately accustomed", and hence they were forced to dismiss their workmen. The Company was ordered by the privy council to buy their cloth; otherwise the Merchants of the Staple might purchase cloth and export it, or in default of them any merchant whatever might do so.²

*Faction
among the
clothiers*

And lastly, the clothiers themselves were far from being a homogeneous class unified by conflicting interests. Friction among them was occasioned by the attempts of the London drapers to establish a monopoly. Of old, notwithstanding a statute of 1466, cloth-makers and drapers from all parts of the kingdom could repair to London, and there buy and sell wholesale to natives and alien alike, provided they paid the customs reasonably due from them. But now they were being compelled to sell only to citizens of London, "to the singular profit and advantage of them of London", but "to the damage and loss" of consumers and traders. It was therefore ordered that merchants should be free to sell their cloth or other merchandise, in spite of any franchise to the contrary.³ Two centuries later the complaint was renewed. "All the clothiers and in effect all the merchants of England complained grievously of the engrossing and restraint of trade by the rich merchants of London, in being to the undoing or great hindrance of all the rest."⁴

While thus confronted with many serious difficulties at

¹ *Acts of the Privy Council, 1550-1554*, p. 46.

² *Ibid.* 1588-1589, p. 172.

³ *The Journals of the House of Commons*, 1, 228.

⁴ *Steuart* l. c. 131.

homes, the clothiers had also to reckon with the jealousy of their foreign rivals abroad. The Flemings especially were sorely pressed by the competition of the English cloth-makers, now that they no longer enjoyed the monopoly of the weaving craft. Bruges, which in the thirteenth century owned forty thousand looms, was declining in numbers and making desperate efforts to recover its prosperity. Ypres, with a population in 1400 of over eighty thousand inhabitants and three to four thousand cloth-workers, had sunk in 1480 to less than six thousand inhabitants, and barely a score or two cloth factories.¹ An opportunity to strike a blow at their rivals came to them in 1496, when the duke of Burgundy invoked the aid of the Netherlands for an attack upon Calais. They agreed to lend their assistance, but exacted the condition, according to the report brought to England, "that no Englishman shall be suffered to sell English cloth at any mart within the duke's dominions."² A few years later, in 1499, instructions were drawn up for the English ambassador to the court of Burgundy to protest against an ordinance of the duke excluding English woollen cloth from Holland, Zealand and Brabant. The English government was greatly alarmed, and the king "dozen times" made attempts to obtain a revocation of the ordinance. The ambassadors were instructed to point out that the ordinance was to the great hurt and damage of the king and his subjects, and not only contrary to the old friendship which had long subsisted between the two countries, but against the condition of the truce made by the duke of York at Rouen, which had provided for freedom of commercial intercourse. "At all times", proceeded the instructions, English cloth was accustomed "to resort and have its utterance in Holland, Zealand and Brabant where it is now forbidden, like as merchandise of those countries be freely uttered here."³ In a statute of the same year, and again in 1503, retaliation was threatened; no merchandise from the Netherlands would be imported into England, if English

*Jealousy
of foreign
rivals.*

¹ *Source, English Manuscript Book, i. 27-32.*

² *MS. 1512. Cotton Manuscript Collection, vi. 123.*

³ *Ibid. Folios, 2-3.*

cloth were shut out from the Netherlands.¹ Henry VII's commercial treaties with the duke of Burgundy restored the English market, and secured favourable conditions for the sale of our cloth.² But trouble revived in the next reign, and a correspondent of Thomas Cromwell wrote to his master in 1532 that English cloth was excluded from the Low Countries, adding that if the king met their wishes "they would in short time bring our heads under their yokes"³.

The worsted
trade
gathers

An important branch of the woollen industry was the manufacture of worsted, which was already established in Norwich and Suffolk at the opening of the fourteenth century. It is evident that worsted cloth had gained a reputation before the coming of Flemish artisans under Edward III., for the accounts of the city chamberlains for the year 1350 include "presents sent to the justices of the lord king and other his ministers, as in cloth, wine, oats, cloths of Worstead and cloths of Aylsham, out of courtesy of the whole community"⁴. 'Worsted' were apparently also termed 'Irish-cloth', and 'cloth of Ireland' is mentioned as early as the reign of Henry III., though this may possibly refer to imported Irish cloth.⁵ In any case, it should be remarked that at first the worsted trade was associated not with Norwich, later its most famous centre, but with Worstead and Aylsham. To all appearance the foreign weavers, who came over to England at Edward III.'s invitation, did not take up their residence in Norwich to any considerable extent. There is mention, however, of one, John Knappe⁶, whom it is tempting to identify with the famous 'captain of industry' to whom the king had granted letters patent in 1332, but it may have been merely a namesake. In the next reign⁷ many weavers became freemen of the city, an indication of expanding trade and prosperity.

¹ Statute, c. 5, § 3, 471.

² *Records of Norwich*, ii. 196, 202, 208; *ibid.* 232.

³ *Records of Norwich*, ii. 196, 202, 208.

⁴ *Records of Norwich*, ii. 32. Worsted long wool was specially adapted for worsted.

⁵ *Records of Norwich*, ii. 32. Worsted long wool was specially adapted for worsted.

⁶ *Records of Norwich*, ii. 32. Worsted long wool was specially adapted for worsted.

⁷ *Records of Norwich*, ii. 32.

⁸ *Records of Norwich*, ii. 32.

The history of the worsted manufacture in the fourteenth century is mainly the record of successive attempts to establish a system of industrial supervision and control. In 1325 the merchants had petitioned in parliament for the appointment of an *salvager* to prevent defects and frauds; they complained that the cloths "called *wortholoken* and *spylshams*" were not made according to the assize, or legal measurements, and therefore "that which was sold for 24 shs was only 20"¹. The king responded with a proclamation in which he enjoined the legal measurements, and shortly afterwards John Peacock was appointed assayer of cloths for Norfolk, Suffolk, Lincoln, Essex, Kent, Devon, Cornwall, Stamford and Beverley². Peacock retained his office until 1329, when at the request of Queen Isabella³ he resigned it for the county of Norfolk to Robert de Poleys, a "king's person", and in return for his compliance was made *salvager* of *carmes* and *lincs* web throughout the realm⁴. Thus Robert de Poleys had earned the royal favour "for service to Queen Isabella and the king beyond seas and after their landing in England"⁵, evidently in connexion with their conspiracy against Edward II. In the exercise of his new functions he soon came into collision with the weavers of Norfolk. His predecessor, John Peacock, appears to have taken a lax view of his duties, for the traders of London and Norwich declared that the trade of worsted cloth was not carried out, and a commission appointed by the king in 1329 to inquire into the charges supported their assertion⁶. The activity of the new *salvager* speedily provoked opposition from the worsted weavers, who complained that instead of manufacturing their cloths in lengths of 8 or 10 shs, more or less according to their liking without let or hindrance, they were now forced to make cloths of 50, 40, 30, or 20 shs at the least. In addition the *salvager* exacted fees for making their cloths, one penny or more for each cloth according

As being
on the
particular
assize.

¹ *Ibid.* *ibid.* c. 102 b.

² *Feeling Roll*, 1325-1329, p. 244.

³ *Ibid.* 1329-1330, p. 25.

⁴ *Ibid.* 26. Observe the date: he resigned his office for Norfolk on March 2, and received his new appointment on March 9.

⁵ *Ibid.* 27.

⁶ *Records of Norwich*, ii. 477.

to its length, from beggars and sellers alike.¹ Another commission was appointed, and the following year Polsey in his turn complained that a number of weavers had "conspired to prevent the execution of his office in Norwich Bishop's Lynn, Weststead, Walsham, Catton, Scotrow, Tunstead, Hoxing and other places."² Already at this early date, the worsted manufacture was distributed over the whole county. The worsted weavers triumphed, for the king annulled his grant to Robert (1329)³ and in 1348—upon a renewal of their petition—consented to confirm the revocation of Polsey's patent.⁴ Henceforth weavers were at liberty to make, and merchants were free to sell, cloths of worsted "with-out assay." This exemption from superintendence was confined, however, to the worsted weavers, for in 1335 Thomas But was appointed to exercise the office of assaiger in the city of Norwich and other towns in Norfolk and Suffolk⁵, and again in 1346 John Marrey was made assaiger of canvas, linen, web, napery, and "all manner of cloths" of Norfolk and Suffolk and other counties.⁶ We may conjecture that it was the comprehensive terms of this second appointment which alarmed the worsted weavers, and made them seek for a revocation of their privileges in 1348.⁷ But in 1420 they lost whatever measure of freedom they may have enjoyed, and the civic authorities received a grant of the saluage of worsted cloths made in Norwich and Norfolk for a period of seven years.⁸

While the rulers of Norwich thus asserted their authority over the worsted weavers, they attempted at the same time to concentrate the industry within the sphere of their jurisdiction. In 1422 it was enacted that no one within the liberty of Norwich should "in future set any woollen cloth to any one to be woven or fulled, unless that weaver or fuller shall reside or ply his craft within the liberty."⁹ In 1440 they enacted that all the cloths called worsteds made

¹ *Patent Rolls*, 1327-1328, p. 197.

² *Ibid.* 414.

³ *Ibid.* 1348-1350, p. 36.

⁴ *Ibid.*

⁵ *Ibid.* 1335-1336, p. 146.

⁶ *Ibid.* 1345-1346, p. 179.

⁷ *Ibid.* *Part* II. 204, b.

⁸ *Ibid.* II. 137, b. The statement in *Brundage, Norfolk* in 94, that the liberty of the city received a grant of the saluage after Polsey is unsupported and very unlikely.

⁹ *Records of Norwich* II. 25.

within the city for sale, and all cloths of worsted brought to the city, should not be bought or sold anywhere in the city or its suburbs "except only in a certain hospice of the citizens of the city called the Common Inn", in the house there provided for this purpose known as the *Worsted Seld*.¹ This was an extension of an ordinance made previously in 1568, by which all worsted cloth brought for sale by country weavers was to be sold only at the *Worsted Seld*.² Additional restrictions were imposed on the country weavers, when they were forbidden to sell by retail and were allowed to sell only to citizens.³ Apart from regulations governing the sale of worsted cloth, attempts were made to organize the manufacture on a proper basis and ensure adequate supervision. How necessary this had become is set forth in a petition in 1540, which recited that "wheras worsted was sometime fair merchandise and greatly desired and loved in the parts beyond the sea, now because it is of untrue making and of untrue stuff, so man stretch thereby, which is great hurt unto your customs and great harm and prejudice unto your true buyers people".⁴ In response to this petition, parliament enacted that the worsted weavers of Norwich should elect four wardens within the city, who were to elect two others for the county of Norfolk, and these six wardens were to execute the duties. Subsequently the right of search was extended to Suffolk and to Cambridgeshire.⁵

In the early part of the sixteenth century it became evident that the prosperity of Norwich was declining. A succession of epidemics⁶ and fires⁷ inflicted serious damage upon the city, while the oppression of the gild drove craftsmen into the country districts. There was a widespread movement from the town into the country, which was not confined to Norwich but was general in many parts of England. Complaints were made of those who had left Norwich to dwell

Decline of Norwich in the sixteenth century.

¹ *Records of Norwich*, ii. 30.

² *Monastich Norfolk*, iii. 115.

³ *Records of Norwich*, ii. 32.

⁴ *Ibid.* ii. 102.

⁵ *Statutes*, ii. 304, 400 (1547).

⁶ "There be rubies at Norwich, Yarmouth and Lynn that testify of great pestilence that hath been in those towns"; *Leland, Itinerary*, iii. 114.

⁷ *Statutes*, iii. 304. "A great number of houses at Norwich were 'burned and utterly consumed'."

"in divers places, in the county of Norfolk adjoining to the city"¹, the protection of whose walls was no longer needed in these more settled days of Tudor administration. At the opening of the fifteenth century Norwich had been the second city in the kingdom; a century later in the assessment of 1503 it ranked sixth², and in 1545 grass was growing in the market-place³. The revival of its prosperity was caused by an event which had more than merely local significance. The influx of cloth in the sixteenth century constitutes the second great landmark in the history of the English cloth trade. As early as 1543 the art of hat-making had been introduced from France, and a company was formed to exploit it. "Driven honest citizens", it was said, "had begun a craft of hat-making, which hats they can make as well and as good as ever came out of France and Flanders"⁴. This is an early instance of a capitalist organisation, formed to develop new industries in this country. Shortly afterwards we meet with the rused weavers, who in 1554 were incorporated by act of parliament. The act recites that the mayor and twelve others, merchants and citizens, belonging to the city of Norwich had "at their great costs and charges" made loans, and brought strangers from beyond the seas to teach their art and the mysteries of their craft to native weavers⁵. The artisans of the rused weavers express their indebtedness to the capitalist pioneers who had introduced the new manufacture into England. "And forasmuch as by the cost, charge and good diligence of certain of the merchants of the city of Norwich, the first practising of the making of the said ruseds within the same city was first invented by the said merchants", therefore in their interests it was provided that weavers of ruseds must sell only in Norwich⁶.

The most important event, however, in the industrial history of the sixteenth century was the coming of the

¹ Records of Norwich II. 112.

² *Survey, Assessment and Taxes*, iv. 18, 229.

³ Records of Norwich, ii. p. 1020.

⁴ *Ibid.* ii. 36. "A considerable number good draping workers of French weeds, caps, hats from France and Spain"; "Driven Foreigners"; in *English Industrial Trade*, ed. Buxton.

⁵ Statute, in part, c. 10.

⁶ Records of Norwich ii. 120.

Dutch and Walloon strangers, who established a new branch of the woollen industry, the manufacture of the finer fabrics known as the "new drapery." The cruelty of Alva's administration in the Netherlands occasioned a large number of the most skilled and industrious section of the population, and the exiles were welcomed by the English government both as religious refugees and as a valuable asset in the economic resources of the country. Among other centres they settled in Norwich, the rulers of which had sought eagerly to attract skilled artisans to their city. *The Book of Dutch and Walloon Strangers* relates¹ that in 1564 the woollen manufacture, "by which many citizens both merchants and artisans before that time had led the gain thereby their whole livings and a great number of poor of the city were set on work", was greatly depressed and its cloth "out of estimation and vent" (sale). In response to their entreaty, the authorities obtained licence allowing thirty alien master craftsmen to settle in Norwich. They are described as "dressed strangers of the Low Countries", that "came over for refuge against the persecution then raised against them by the power of the Duke Alva". The letters patent, by which this permission was granted, enumerated the manufactures which the newcomers were to introduce: "bays, arras, sayes, tapestry, mackadon, stamant caruags and other veltlandish commodities"². The prosperity of Norwich now increased by leaps and bounds. The revenues of the city were more than doubled. The number of cloths sold by the Royal Company rose from 276 to 2825 in the year 1570³, and in the same year there were no less than four thousand⁴ aliens dwelling in Norwich, and before the plague of 1578 as many as six thousand—for to all appearance there was renewed immigration at the time

FIG. 100.
Drapery of the
15th
Norwich.

¹ *Records of Norwich*, p. 222.

² Compare the Old English *Draper* (J. E. Thorpe, *History of the Foreign Draper*, 1862, p. 102).

These, cottons, bays and best
Cloths into England all in a year."

³ *Records of Norwich*, p. 222, *loc. cit.*

⁴ In 1568 there were 2825 aliens in Norwich: W. J. C. Allen, *The Woollen Cloth of Norwich* (Haguenau, 1882, Publ. vol. 2, part 2), p. 27. In 1578 nearly 4000: *ibid.*, 34.

of the manor of St Bartholomew¹. The authorities freely admitted that the city had "received no small benefit by her majesty's permission"². The strangers, it was said, showed themselves quiet and orderly, and worked diligently to earn their livelihood³. A document drawn up about 1395 bears striking testimony to the services rendered by the strangers upon Norwich: "They brought a great commodity thither, namely, the making of bags, etc. . . whereby they do not only set on work their own people, but do also set on work our own people within the city, as also a great number of people near twenty miles about the city. . . By their means our city is well inhabited, and decayed houses re-edified and repaired that were in ruin. They live fully of themselves without charge, and do beg of no man, and do sustain all their own poor people"⁴. In spite of the advantages arising from the presence of aliens at Norwich, considerable friction ensued from attempts on the part of the authorities to bring them under control, and to compel them to sell their commodities only to freemen of the city. The English sheavers of woolstap also complained that as a result of the new desuperies their occupation was nearly gone⁵. In 1391 the "Book of Orders" was drawn up for the strangers at Norwich, embodying the regulations by which they were henceforth to be governed, and allowing them to trade with burgesses and aliens alike⁶.

Norwich was not the only seat of the new draperies. About 1363 the Dutch immigrants also settled at Colchester, where a few years later (1369) they numbered over five hundred, and in 1386 nearly thirteen hundred⁷. Colchester had always been an important city:

"On all the Englonde above the town of greatest fame";

¹ Munro (op. cit. 36) thinks that there was no further settlement, but as 1516 the number of aliens was 2109, after one third had been destroyed by pestilence (ibid. 49). See *Records of Norwich*, I, p. 1000B.

² Munro, op. cit. 1, part II, App. 20.

³ *Ibid.* 1, part I, 107.

⁴ *Ibid.* 1, part I, 101, 102.

⁵ *Ibid.* 1, part II, App. 20A.

⁶ *Ibid.* 1, part II, App. 20B.

⁷ In 1391 they numbered 2109. W. J. C. Munro, *The Dutch Church at Colchester* (Haguenau Soc. Pub. vol. 20), p. 21. In 1391 the figure had reached 234, including a few French settlers. *Ibid.* In 1376 they numbered 1100. *Ibid.* p. 20.

and from earliest times it was closely connected with the cloth trade. At the end of the thirteenth century a greater number of its inhabitants were occupied in the woollen industry than in any other calling, except the leather trade; at the same period its cloth was paying duty at the quay of Ipswich¹. The stranger was now warmly welcomed by the authorities. "We cannot but greatly commend the same stranger unto you", they wrote to the petty council, "for although their first coming hither we find them to be very honest, golly, civil and well-ordered people, not given to any outrage or excess"². Nor were they mistaken in their expectation that the newcomers would bring great profit "to the Common Estate of the town". For Colchester became one of the chief centres in England of the new manufacture. The writer of a letter to Walsingham, the secretary of state, observes that before the refugees came to Colchester a great many houses stood empty, and "tenants could not be gotten for them at any reasonable rent"; he adds, "For God's sake I beseech you to pity the poor stranger"³. But at Colchester, as at Norwich, despite the benefits conferred by the Dutch settlers, there was considerable difficulty in adjusting the relations between the foreign workers and the native inhabitants. Attempts were even made to expel them from the town, and they were disturbed and troubled by "the manner sort" as well as by the native weavers, who were jealous of their competition and resented the exclusive right⁴ of the Dutch to search and seal all the new draperies made in the town, whether by them or otherwise. Troubles also arose at Hildesed where some settled in 1594, on account of the jealousy of the native manufacturers whose persecution eventually drove them from the town, notwithstanding the efforts of the petty council to keep them there. Their withdrawal ruined the prosperity of Hildesed, where at the time of their settlement eight or nine score boys were set work by week in London, providing much employment for spinners and weavers in the neighbourhood, while now the output numbered 4 here "seven or eight

¹ *Supra* pp. 282, 286.

² *Ibid.* p. 28.

³ *Memor.* op. cit. p. 2.

⁴ *Proc. County Hist. Assoc.* n. 184, 185.

single layn in one whole week"¹. The blind and unerring attachment of the native weavers to their own narrow interests was an obstacle to the progress of the new fashion-factors. Their dislike of innovations told in the same direction; the Suffolk clothiers, for example, were hostile to the new draperies, which they contemptuously termed "slight and vain commodities wherewith the common people delight"². After weavers are found in other towns—Thetford and Yarmouth, Stamford and Sandwich³. At Southampton the privy council allowed twenty families to settle in the town, each with ten men-servants, on condition that every household retained and instructed two English apprentices for a period of seven years⁴.

Industrial
conflict of
town and
country

The settlement of aliens was not the only cause of friction in the cloth trade during the sixteenth century, and a fresh source of contention originated in the rivalry between the corporate boroughs and market towns on the one hand, and rural districts on the other. The former endeavoured to retain in their own hands the sole right to manufacture cloth, and the charters of the twelfth century gave this craft guild a practical monopoly within a well-defined area. Norwich, Oxford, Derby, York, Nottingham and other important centres remained for a long time the emporia, to which cloth-makers settled in the vicinity brought their cloth for sale. Moreover, the town clothier often became the employer of country weavers, who worked for him in their cottage homes. In the eyes of the clothiers the system had the twofold advantage, that it enabled them to obtain cheaper labour and to evade the control of the guild authorities. But it provoked the jealousy of the urban craftsmen, whose opportunities for employment were proportionately diminished. In 1564, for example, the carders, spinners, weavers and fullers of Northampton raised an outcry that cloth-makers put their work into the hands of workmen who dwelt outside the franchise⁵. Accordingly, many of the towns sought to crush the rivalry of rural artisans, and to

¹ *First County Hist. Essex*, i. 360. *ibid.* *op. cit.* p. 7.

² *First County Hist. Suffolk*, i. 216.

³ *ibid.*, *op. cit.* p. 1. *ibid.*, *Foreign Drapery*, *ibid.* 228.

⁴ *Records of Southampton*, 272-273.

⁵ *Records of Northampton*, i. 313.

protect their industrial population from 'foreign' competition by forbidding the burghers to give employment to country folk. Even in the thirteenth century, Winchester had ordained that no citizen should manufacture hosiery cloth outside the city¹. Bristol, on the other hand, at first permitted woollen cloth to be woven in country districts, provided it had first been inspected by the authorities to ensure the proper measurements, but in 1381 the licence was withdrawn². Norwich (1428) also decided that no inhabitant should employ any weaver or fuller, who did not dwell or ply his craft within the city³, and again at Coventry no yarn was allowed to be sent outside the town (1549) to be worked up in the country, and "no man nor woman" was to put out cloth to be woven in the country (1528)⁴. We are left in no doubt as to the motive of these prohibitions, which is set forth in the ordinances of Worcester (1469): "And that no citizen . . . put out any wool in hawking of the said city or in hawking of the poor commodity of the same, where there be persons enough . . . to dye, card or spin, weave or cloth-work within the city, in any manner [of] person or persons foreign"⁵. It is necessary to lay stress upon the fact that the industrial conflict of town and country is older than the sixteenth century, because it has hardly received sufficient attention.

In addition to the rivalry of urban and rural craftsmen, which gradually recedes into the background, there grew up a rivalry of town and country clothiers⁶. The villages ceased to depend upon the towns for industrial employment, and owing to the rapid extension of the woollen manufacture in rural districts its control began to slip from the grasp of the older English boroughs. In Suffolk, for example, Ipswich, Bury St. Edmunds and Sudbury no longer remained the only centres of the cloth trade, and the weaving industry became established in villages like Lavenham. If we follow

*rivalry of
town and
country
clothiers*

¹ *Archaeol. Journal*, vi, 77.

² *Letter Book Seal of Bristol*, v, p. 7.

³ *Records of Norwich*, ii, 161.

⁴ *Coventry Law Book*, iii, 414, 408. In 1528 no cloth worth 10s. filled by one individual's cloth, in 1514, that was repeated in 1558⁶ that in 1523.

⁵ *North. English Guilds*, 215. The prohibitions against the export of yarn was repeated in 1520. *Phil. County Hist. & Antiquaries*, p. 115.

⁶ Cf. *Review, Industrial Organization*, 12.

in the wake of Leland's *Itinerary*, we can trace in certain counties of England both the decay of the older towns and the rise of the new country 'townlets', which owed their prosperity to the spread of the textile industries. At *Bewerley*¹, once famous for its cloth, the woollen manufacture was "much decayed". *Bradworth*² in *Shropshire* formerly "stood by clothing, and that now decayed there, the town much decayed therewith". *Coventry*³ had risen "by the making of cloth and caps, that now decaying the glory of the city decayeth". On the other hand in *Somersetshire*, *Gloucestershire* and *Wiltshire* numerous "clothing towns" and "clothing villages" are enumerated: *Bradford*, *Priest*, *Pengford*, *Clare Hagen* and *Norton St Philip* in *Somersetshire*⁴; *Alderley*, *Wotton*, *Durley*, *Totterworth* and *Walswer* in *Gloucestershire*⁵; *Devizes*, *Steeple Ashton* and *Westbury* in *Wiltshire*⁶. Of all these places Leland tells how one is "well coupled with clothiers", and how another "standeth most by clothing"; and his list could easily be extended from other sources⁷. A similar movement can be discerned in the West Riding of Yorkshire. The assize-rolls for the county at the end of the fourteenth century show that weaving was carried on in country districts near York, but was not yet organised on any large scale in the remote parts of Yorkshire⁸. In the sixteenth century, however, the prosperity of the corporate towns in Yorkshire began to wane, and their place was usurped by their younger rivals. Leland, whose evidence we have already cited for *Bewerley*, specially mentions *Wakefield* as a town where "whole profit standeth by coarse drapery"⁹. In 1518 the authorities of York complained of the decayed fortunes of their city. "The cause of the decay of the weavers and makers for woollen [cloth] within the city, as I

¹ *Itinerary*, i. 47.

² *Ibid.* ii. 15.

³ *Ibid.* ii. 304.

⁴ *Ibid.* ii. 15. (*Bradford* "the pretty clothing town in Arden"); 27 (*Priest*); 41 (*Clare Hagen*); 103 (*Bradford*); 105 (*Wotton*); 107 (*Clare Hagen*); 109 (*Bradford*); 111 (*Wotton*); 113 (*Clare Hagen*); 115 (*Bradford*); 117 (*Wotton*); 119 (*Clare Hagen*); 121 (*Bradford*); 123 (*Wotton*); 125 (*Clare Hagen*); 127 (*Bradford*); 129 (*Wotton*); 131 (*Clare Hagen*); 133 (*Bradford*); 135 (*Wotton*); 137 (*Clare Hagen*); 139 (*Bradford*); 141 (*Wotton*); 143 (*Clare Hagen*); 145 (*Bradford*); 147 (*Wotton*); 149 (*Clare Hagen*); 151 (*Bradford*); 153 (*Wotton*); 155 (*Clare Hagen*); 157 (*Bradford*); 159 (*Wotton*); 161 (*Clare Hagen*); 163 (*Bradford*); 165 (*Wotton*); 167 (*Clare Hagen*); 169 (*Bradford*); 171 (*Wotton*); 173 (*Clare Hagen*); 175 (*Bradford*); 177 (*Wotton*); 179 (*Clare Hagen*); 181 (*Bradford*); 183 (*Wotton*); 185 (*Clare Hagen*); 187 (*Bradford*); 189 (*Wotton*); 191 (*Clare Hagen*); 193 (*Bradford*); 195 (*Wotton*); 197 (*Clare Hagen*); 199 (*Bradford*); 201 (*Wotton*); 203 (*Clare Hagen*); 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be understood and learn, is the lack of distaff-making in the city as was in old times accustomed, which is now increased and used in the towns of Halifax, Leeds and Wakefield. For that not only the comarodity of the water-mills is there right [at] hand, but also the poor folk as spinners, carders and other necessary workfolk for the weaving, may there haue their handlabour haue eye, fire[wood] and other relief good cheap, which is in this city very dear and wanting."¹ But it was not only the presence of water-mills and the cheapness of provisions which attracted artisans into the rural districts, even more important was the absence or at any rate the difficulty of supervision. In the villages the weaving industry was left to a large extent unregulated, a circumstance which contributed to the disadvantages to which the older towns were exposed. In Yorkshire, for example, the country weavers made cloth "with weal of flock", a practice afterwards prohibited by parliament.² The oppressive ordinances of craft guilds concerning the fees of apprentices and admission to membership must have operated in the same direction. Under Henry VIII., however, an attempt was made to redress the balance by an act (1543), which gave to York a monopoly of the manufacture of covelets and conferred upon its guild of covelet-makers power of search throughout the county.³

The struggle between the established seats of industry and villages which were growing into towns, constitutes one of the main economic features of the sixteenth century. The former sought by the pressure of legislative action to check the spread of industry, and to repress the activities of the new industrial centres that spring up around them. In 1534 an act was passed on behalf of Worcestershire, of which the capital town together with four other towns in the county found their prosperity menaced by the growing competition of the country districts. It ordered that no cloth should be made in the county except in the above five towns.⁴ The act would seem to have been effective, for

*Testament
of the
Faction*

¹ *York Mass. Rec.* 1502-161, 25 a. 25a. *West. County Hist.* Yorkshire, iii. 424. The comarodity of the city, like the other town, contributed its share to the local popularity of the cloth makers: *English Hist. Revue*, vi. 107.

² *Statute* ii. 492.

³ *Ibid.* iii. 478.

⁴ *Ibid.* iii. 420.

Leland—whose *Miscary* belongs to the years 1535-1543—wrote that "the wealth of Worcester standeth most by draping, and no town of England at the present tyme maketh so many clothe yearly as this town doth"¹. In Mary's reign a renewed effort was made to revive the prosperity of the corporate and market towns. In 1554 the government repealed in their favour the clause of an act passed under Edward VI (1552), by which no one might weave broad woollen cloth in any place without serving an apprenticeship of seven years². This repeal was followed by the *Weavers' Act* in 1555, which extended to most parts of the kingdom the principle embodied in the acts relating to Worcester and York. Henceforth "no person whatsoever, which heretofore hath not used or exercised the feat, mystery or art of cloth-making, shall . . . make or weave . . . any kind of broad white woollen clothe but only in a city, borough, town corporate or market town, or else in such place or places where such clothe have been used to be commonly made by the space of ten years"³. This legislation throws a remarkable light upon the efforts of the Tudor government to control the economic life of the country, and determine the direction of its industrial development. At the end of Mary's reign another act was passed, the preamble of which illustrates the nature of the exodus which was taking place from the towns to the villages: "Divers ancient cities . . . hath been in times past well and substantially inhabited", but "divers years past such persons as do use the feat or mystery of cloth-making . . . do daily plant themselves in villages and towns, being no cities, boroughs and towns corporate", and "draw with them out of cities . . . all sorts of artificers" to the decay of the older towns; and moreover "the weavers and workmen of clothiers when they have been bred up in the trade of cloth-making and weaving three or four years do forsake their masters, and do become clothiers and occupiers for themselves without stock, skill or knowledge"⁴. The

¹ *Miscary*, p. 91.

² *Ibid.*, iv part 1, 120. Repealed for corporate and market towns; still in part in force.

³ *Ibid.*, iv part 1, 125.

⁴ *Ibid.*, iv part 1, 127.

possible is again followed by a prohibition against the manufacture of cloth, except in market or corporate towns.³ Here, as in its efforts to check the agrarian revolution, the Tudor monarchy sought to direct the tide of economic change, which was transforming medieval conditions and for good or evil ushering in the modern world.

³ How important the cloth trade had become by the reign of Elizabeth is shown by one of the measures of the privy council that arrangements for the employment of agricultural labourers were to be made "without any respect to the good towns . . . and cloth-making." *Acts of the Privy Council 1566-1576*, p. 4. Formerly the interests of industry and town predominated in those of tillage.

CHAPTER X

FOREIGN TRADE

Early
English
commerce

In the latter part of the tenth century merchants from beyond the sea were already frequenting English shores in considerable numbers, and had gained a recognized status in the pursuit of their trade. A document of Ethelred II sets forth the tolls charged at Helsingore, and enumerates the different bodies of foreign traders who had obtained a foothold in this country. "The men of Hoven, who came with wine or dried fish, gave a den of ten shillings for a great ship and one measure in twenty of the fish itself. Merchants of Flanders and of Fonthem (in Picardy) and of Normandy and of France had to show their goods and pay full toll. Men of the Hague and Leige and Nivelles, if they passed through the land, did scavage and gave tolls. And the Men of the Emperor, if they came in their own ships, were held worthy of all good laws equally with ourselves; and besides wool and tallow in broken bulk, it was lawful for them to buy on board their own ships three live pigs. And it was not lawful for the portreeves to put upon them any trading fine, and (they had to) pay their own toll, and also at Christmas two white loaves, and one brown, and ten pounds of pepper, and given for five men, and two horse-tarsh full of vinegar, and the like at Easter"¹. The existence of some foreign commerce between England and the continent is shown in the famous letter of the Emperor Charlemagne to Offa, King of Mercia (793), in which he promises protection to English merchants: "Concerning the pilgrims who for the love of God and the salvation

¹ Leithbrunne, *Gratia*, i. 172 (p. 2220, 2221). For the Men of the Emperor see infra, p. 46.

of their souls down to visit the products of the Apostles, we have granted us of old that they may journey in peace, free from all disturbance, taking with them what they need. But we have discovered in their midst traders who pass themselves off as pilgrims, perceiving gain and not serving religion; if these are found among them, they must pay the fixed tolls in the regular places. You have also written to us about your merchants¹. We would have them enjoy our protection and defence within our realm as we have ordained, according to the ancient custom in comensage, and if in any place they are distressed by unjust oppression let them appeal to us or our judges, and we will order justice to be done to them. Show him favour to our merchants, and if they suffer wrong within your realm let them appeal to your justice, so that disturbance may nowhere arise between us"². This letter constitutes our oldest commercial treaty³, and was intended to place the trading relations between the Empire and England on a sound and friendly footing.

It was not, however, until the coming of the Northmen that English foreign trade began to develop. The Scandinavians most at this period were displaying remarkable enterprise and activity. The Viking age began in 789, when the Scandinavians discovered the use of sails. Their daring and adventurous spirit is shown by the wide area over which they spread themselves. The Norsemen settled in Scotland and on the Irish coast, where they introduced the first native coinage⁴; the Danes in Normandy and England; while the Swedes built up the kingdom of Great Sweden, which stretched from Nureperod as far south as the Danube. Iceland and Greenland were discovered and settled, the latter by Eric the Red, whose son, Leif, also discovered America, which he named Vinland⁵. In England the Northmen occupied

*Antiquary
of the Town
discovered
them.*

¹ The first known trader who passed over the sea are depicted in an Old English Ethelstan, the Colloquy of Ethelstan King. E. B. Cow, *The Anglo-Saxon Ethelstan: Colloquy of Ethelstan* (1904), 189.

² The letter was printed in *Antiquary: A New Commercial Treaty* (1904), 190.

³ C. P. Kelly, *Norway and the Norsemen* (1904), 14.

⁴ The saga dealing with the voyages of the Northmen to Vinland are printed in *The Voyages of the Northmen*, ed. J. E. Olson (1904).

Northwestern and parts of the Midlands, and the permanence of their settlements is indicated by the survival of churches dedicated to St. Clare and by place-names; especially numerous are the records of their occupation in Lincolnshire.¹

*Importance
of Danish
influence.*

The Danish conquest of England was the most important event in the early history of English commerce. The Vikings were not only seamen but also traders; they were at once pirates and merchants, in whose graves a pair of scales were laid side by side with battle-axe and sword.² They brought to English shores the commodities of Northern and Western Europe, as well as the products of Eastern climes. They found their way to the Black Sea and the shores of the Caspian, and established commercial dealings with Constantinople and even with Asia itself. As a proof earlier than the discovery of the sea passage to the East Indies and the activities of the Italian cities, the Era of commercial intercourse between the Baltic and Arabian lay through Russia along the great rivers.³ Scandinavia thus became the staple for Arabian wares and the merchandise of the countries bordering on the Caspian Sea, and it was doubtless by way of Scandinavia that England derived from the East her store of silver for currency. Evidence of considerable foreign trade between England and the North is furnished by the quantity of early English coins discovered in Gotland.⁴ But the most valuable service which the Danish immigrants rendered English commerce was not so much to open up new trade routes, as to impart to the English people a knowledge and skill in seamanship to which they had hitherto been strangers. The Anglo-Saxons themselves displayed little aptitude for navigation, and had grown accustomed to a warfare by land. Indeed, when Alfred built his navy he was compelled to man part of it at least with Frisians.⁵ The promise of hegemony to the

¹ In the Danish part of England there are 1573 Scandinavian place-names, of which they end in *by* (e.g. *Dalby, Wharby*). Localities ending in *thorp* (town where there was a *thor*) are 49; *Wormes, Danes and Humberston* (map on p. 10). Mr. Leander, see D. H. Stoddard, *Leander and the River* (1882), 2 at passim.

² A pair of scales were found in a Viking settlement in the Hebrides. *Knox*, op. cit. 75. ³ *Wormes*, op. cit. 102. ⁴ *Ibid.* 104, 105.

⁵ *Ibid.* 104. Compare Chisholm, *Origin of the English Nation*, 49.

merchant who thrice dived over the sea by his own means¹, reflects the estimation in which the expert was held. The improvements which the Scandinavians introduced into the art of shipbuilding, their construction of vessels with the capacity to withstand the force of tempest and rough seas, justify ascribe them to be regarded as the founders of modern navigation². Thus the Danish settlement not only stimulated English shipbuilding, but infused into the English nation a hardy and vigorous element which found a natural outlet for its energies in maritime activities. In this way the Danes helped to lay the foundations of England's greatness as a commercial and maritime power.

As a result of the Northern immigration English foreign trade began rapidly to expand. Hitherto it had extended only to the nearest parts of the continent, but now commercial relations were opened up with Scandinavia and even with Iceland and Greenland, and indirectly with Arabia and the remote East. Canute took steps to ensure safety for English merchants when journeying abroad. "I spoke", he wrote in a letter to his subjects, "with the emperor himself and with the pope and the princes who were there, in regard to the wants of my people, English and Danes, that there should be granted to them more equal justice and greater security in their journeys to Rome, and that they should not be hindered by so many barriers on the road nor harassed by unjust tolls"³. Had the great Danish empire which Canute built up survived, England might have fallen in her lot permanently with Northern Europe, and remained for many generations isolated from the influences and commercial life of Southern Europe. This would have been a misfortune, for the brilliant energy which Scandinavians had displayed was soon spent and died completely away; and the future was destined to lie with Southern Europe. From sharing in the decline which overtook the North, England was saved by the Norman Conquest, which made her a participant in the great heritage of civilisation and culture that Rome had bequeathed to the Western world.

¹ *Luthersmann, Skovde*, i. 420.

² *Wattson op. cit.* 116, 121 seq.

³ *William of Malmesbury, De Gestis Regum (Roll Series)*, i. 122.

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 merchants
 and England

In the early part of the Middle Ages the control of English commerce was largely in the hands of foreign merchants, who came not to trade permanently in this country, but to act as intermediaries between England and the rest of the world. Their history, however, is the record of one long ceaseless struggle with the authorities of English towns. The burgesses did not seek to prevent alien merchants from coming to these shores, for until Englishmen were ready to undertake the carrying trade there was no other way by which they could exchange native produce for foreign wares. But they endeavored to restrict them to wholesale dealings with enfranchised traders, and they would not allow them to trade among themselves, or to have retail dealings with the body of English consumers. In other words, their purpose was to retain the internal trade of the country in their own hands while leaving only the carrying trade to foreign merchants. This policy conflicted with the interests of the king and the nobility, who as landowners were anxious to trade directly with continental merchants and save the profits of the native middlemen¹, selling to them their produce and purchasing from them imported commodities. The collision of interests was shown in the king's answer to a petition in 1299, when the citizens of London complained that aliens obtained more benefit from the trade of the city than they themselves, since they had to bear all the financial burdens by which they were impoverished; alien merchants, they complained, ought not to stay more than forty days and should sell only to citizens, but instead carried off all the profits. The reply was unfavourable: the king would not agree to expel them because they were "convenient and useful to the magnates."² For centuries English commercial life was disturbed by unceasing strife over the rival claims of burgesses and aliens. In order to safeguard their exclusive monopoly of retail trade, and prevent direct contact between aliens and consumers, the burgesses endeavored to establish certain regulations: no foreign merchant was to stay in England for a longer period than forty days and

¹ This may be inferred from the preamble to a Stat. III. Edw. I, c. 1 (Statute 1, 1299).

² *Ibid.* Page 1, 22 a.

must reside with an English host, who was to witness all his commercial transactions; and he was not permitted to sell by retail or to trade with other foreign merchants. Already in the first half of the twelfth century, a foreign merchant was forbidden to sell retail or stay more than forty days in the city¹. When Edward I sought information as to the position of foreign traders (1298), the citizens of London declared that it was not permitted to foreign merchants to reside on the premises which they hired for the purpose of storing merchandise, or to receive other foreign merchants there; but that they ought to reside in the houses of citizens, and this for the space of forty days and no more, so that they sell their wares within that time². In support of their claims the burgesses appealed³ to Magna Carta, which contained two clauses. The first clause provided that "the city of London shall have all its ancient liberties and free customs as well by land as by water; furthermore we decree and grant that all other cities, boroughs, towns and ports shall have all their liberties and free customs". The second clause added the proviso that "all merchants shall have safe and secure exit from England and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls"⁴. These two clauses are mutually contradictory. The author of *The Mirror of Justice* interprets the second clause in his own fashion: "The article [in Magna Carta] about the residence of alien merchants is to be so understood, that that residence is not to be prejudicial to the towns nor to the merchants of England, and so that the alien merchants are to be sworn to the king and pledged if they stay beyond forty days"⁵. This may well have been the view of a London citizen whose legal judgment was swayed by civic patriotism, but it hardly commends itself as a correct explanation. On the whole, we are inclined to believe that the presence of these two clauses

¹ Lathbury, *Customs*, s. 270-272 in 1212-1213.

² *Letter Book C*, 86.

³ *Ibid.* 101-102 in 1298. The petitioners refer to Magna Carta, c. 13.

⁴ W. & A. Mackenzie, *Magna Carta* (1914), cc. 13, 27.

⁵ *The Mirror of Justice*, 116.

in the Great Charter discloses the latent jealousy between the nobles and the burgesses, which even their temporary union could not altogether dispel. The first clause must be regarded as a vague concession to the towns, suggested by municipal pressure, the second—which is far more explicit—as representing the real views of the framers of the Charter.¹ At first the regulations of the burgesses were successfully enforced, and they were often inserted in town charters confining the rights of self-government upon the townsmen. The charters of Bristol² (1188), Dublin³ (1192), Waterford⁴ (1195), Drogheda⁵ (1195), contained clauses enjoining foreign traders to sell their merchandise within forty days, and to sell no cloth by retail "except at fairs", and buy neither hides, corn nor wool from non-burgesses. Thus London did not stand alone in denying freedom of traffic to alien merchants, though aliens naturally flocked in larger numbers to London than to any other town in England.⁶

Occasionally, however, exceptions were made in favour of certain foreign towns as to the length of stay which their merchants were allowed to make in this country. The Hanseatic League enjoyed a privileged position, and London⁷ in 1197 and Norwich⁸ in 1205 entered into agreements with the wool merchants of Amiens and one or two other towns, by which they could "dwell within the city as long as they pleased", and sell their wool "to whomsoever they will, whether foreigners or natives". Again, Henry III. granted to the men of Douai (1206) that they might import their merchandise and "freely come to our realm and there stay, paying the customs due".⁹ He also offered merchants a safe-conduct to bring their wares to any English port upon payment of the "old and accustomed" duties, and at the same time (1198) promised not to take their wares to his own use nor permit others to do so.¹⁰ But Edward I. was

¹ The respective views are confirmed by the fact that in 1295 the king's merchants appealed to Magna Carta as evidence of their liberties (*Close Rolls*, 1294-1295, p. 152).

² *Customs, Burrows of Ireland*, 35.

³ *Latter Breton Charters* 11.

⁴ *Close Rolls* i. 156.

⁵ *Custom* 36, no. 132.

⁶ *Stat. Just.* ii. 278 b (1220).

⁷ *Liber Regis* ii. 20, *Early Liber Regis*, i. 47-48. The Douais also had special privileges: *Liber Cartularum*, v. 63.

⁸ *Records of Norwich*, ii. 109.

⁹ *Liber Regis* ii. 124.

¹⁰ *Patent Rolls*, 1220-1221, p. 448.

the first English king who made a deliberate attempt to destroy the monopoly of the privileged boroughs. At his accession London had displayed great joy. "The citizens hung gold and silver from the windows for anybody who cared to take it. The crosswalk on one side of Cheap ran with white wine, and the other side with red"¹. But the king, moved partly by resentment at the treatment of Queen Eleanor², set aside the privileges of London and showed considerable favour to foreign merchants. Even during his father's lifetime Edward had revealed his interest in alien merchants, and in 1296 they had been placed under his protection³. More important still, Henry had agreed to take only "a reasonable position on imports and exports whereby merchants will not be grieved immoderately"⁴. Edward's action was not, however, altogether disinterested, for the merchants were required to purchase his goodwill at a price which drew a remonstrance from the French king⁵; and after his accession to the throne they also lent him money. In 1295 he took the city of London into his own hands, suspending its liberties for thirteen years when he restored it to the citizens⁶, and he availed himself of the occasion to extend to aliens a large measure of freedom. At the end of his reign he also established the franchised relations between aliens and the Crown on a new footing; the famous *Carta Mercatorum* freed the alien custom duties and at the same time allowed aliens to traffic wholesale with natives or aliens, and to reside where they pleased⁷. This stirred the jealousy of the Londoners, and they showed their resentment by their refusal to appoint collectors for the new customs in the city⁸.

Edward II. found it beyond his strength to carry on his father's policy with his father's vigour; the law of Wymon

policy of Edward II.

¹ The *Feetrolles of the Thomas Corp.* at St. H. Marston (1292) 1.

² "In that year (1292) the Queen was diametrically bound and crucified at London Bridge" - *History, Chronicle of London*, 192, 3.

³ *Placet Rolls* 1278-1286, p. 96. ⁴ *Ibid.* 1278-1286, p. 107.

⁵ *Ibid.* 1278-1279, p. 121 (1281). ⁶ *Ibid.* 1290-1291, p. 222.

⁷ The *Carta Mercatorum* is printed in *Lower Customers*, 1, 309-312. *Halliday's Foreign Int.* 1907, 1, 120-122. Cf. Hall, *History of the Customs Revenue* (1914), 1, 120-121. See also *supra*, p. 305.

⁸ *Lower Customers* 1, 312.

was too mighty for his nerveless hands. In 1311 the *maye* gild was put into commission and the *Ordinances* revealed the *Mays Customs*, enjoining aliens to be governed "according to the ancient customs and usages"¹. The phrase was doubtless intentionally vague, but the officers of London were as no uncertainty as to its meaning; and when Edward went North the following year to save Carleton they utilized his absence to forbid aliens to remain more than forty days², and they seized the wive of a Gascon merchant because he had sold it to another foreign trader³. In 1322 parliament restored to Edward his authority, and the *Mays Customs* were revived. In the last year of his reign the king embarked upon new industrial schemes, and in pursuance of his designs announced that merchant strangers were to be taken into the king's protection both in coming and going, and all persons were forbidden to do them any wrong⁴.

The reign of Edward III. occupies a place of great importance in the history both of English industry and of English commerce. It was a storehouse of constitutional and economic experiments. It labored in a long and ruinous war, but none the less it marked a real advance in the growth of English trade. So far as the motives of statesmen may be read in their actions, Edward III. would seem to have adopted a definite commercial policy, one of plenty and the open door as contrasted with mercantile considerations of power. He encouraged aliens partly to further his schemes of foreign alliances and a continental empire, partly to make commodities abundant and cheap. In the opening year of his reign parliament had petitioned against aliens⁵, and Edward granted a charter to London compelling aliens to sell their wares within forty days and to load with native boats⁶. But in 1325 a statute enacted that merchants could trade freely in all places "within franchise or without", in spite of all "charter and usages" to the contrary⁷. Two years later, however, London obtained a charter safeguarding

*Policy of
Edward
III.*

¹ *Rot. Parl.* i. 281 & 291-2.

² *Letter Book B.* 26 (1311).

³ *Letter Book B.* 22 (1312).

⁴ *Parliament Rolls, 1322-1323*, p. 267. *ibidem*, p. 278.

⁵ *Rot. Parl.* ii. 92, 118.

⁶ *Rolls Charters of London*, 34.

⁷ *Statutes*, i. 275.

his privileges, notwithstanding the act "made to the hurt of the liberties and customs of the city."¹ Nevertheless, Edward was evidently convinced that aliens were necessary not only for the sake of the carrying trade, but also to develop the internal resources of the country. We have already seen how he introduced alien weavers; he also brought over clock-makers², and in 1347 it was made a grievance that an alien, Tidman of Lynnburgh, owned the monopoly of tin in Cornwall.³ Four years later the act of 1343 was renewed, by which full freedom of trade was conceded upon all merchandise.⁴ London repeatedly complained that the loss of the city's franchises had driven many to leave the city and take up their quarters elsewhere.⁵ In 1352 the king was induced to prohibit foreigners from dealing in retail⁶, yet the following year he directed the sheriff of London to make proclamation for the due observance of the act of 1342.⁷ Thus the sheriff did not venture to do, and as extreme was the resentment of the Londoners, that a man was condemned to the pillory for speeding false reports teaching merchant strangers being allowed to trade as freely as citizens.⁸ Their opportunity came, however, in the Good Parliament of 1366 when the system of government built up by Edward III. crumbled to the ground, and all the discontented elements in the country found a voice. They alleged that the city was being impoverished, and that secrets of the realm were being discovered by spies.⁹ This was evidently merely a pretext to mask their purpose with a patriotic pretence, but they gained their object; a charter was granted to them¹⁰, and even the parliament of 1377, dictated under the influence of their enemy, John of Gaunt, left their monopoly untouched.¹¹

With the accession of Richard II. to the throne a period

¹ *Letter Book F*, 24. T. Stoughton, *History of London* (1875), 300.

² *Wynne*, *op. cit.* part II, 342 (1344).

³ *Rot. Parl.* c. 268 a. ⁴ *Ibid.* c. 271 b. *Statutes*, i. 275.

⁵ *Letter Book G*, 86, 102. *Privileges of aliens confirmed 1347*—*Statutes*, i. 283.

⁶ *Ibid.*

⁷ *Willelmi Letter Adress*, i. 402.

⁸ *Letter Book G*, 109.

⁹ *Ibid.* 103.

¹⁰ *Rot. Parl.* c. 302 b.

¹¹ *Letter Book H*, 26. *Birth, Charter of London*, 47.

¹² *Rot. Parl.* p. 302 a.

Early
history of
London
under
Richard II.

of confused and troubled relations set in; the policy of the government seemed to change year by year. But the key to the situation is clearly the fact that during this period the strife of party factions among the citizens of London assumed a national character, and determined for the moment the direction of parliamentary action. It is impossible not to connect the struggle of the London guilds¹ with the measures carried out by parliament during Richard's reign. The victualling guild were adherents of the king, while the non-victuallers, who were free-traders, were associated with the opposition party of John of Gaunt. In the light of their struggle for supremacy, we can best interpret the warning and fluctuating policy of the reign. In October 1377, when Brome the leader of the victuallers was mayor, the merchants supplied the king with a loan of money². Accordingly, in December, the king complied with the petitions of London and Norwich and excluded aliens from retail trade³. Steps were at once taken to secure these concessions, the ministers were ordered to make search for traders who brought merchandise to the city, and to see that London's privileges were not infringed by them⁴. But a few months later, in October 1378, Gaunt held parliament away from London at Gloucester and there it repealed the monopoly of the Londoners, "considering clearly the coming of merchant strangers within the realm to be very profitable from many causes to all the realm". Aliens were granted freedom to buy and sell all manner of wares wholesale, and small wares and provisions retail, and allowed to have dealings with one another⁵. In 1381 and 1382 Northampton, the opponent of Brome, became mayor, and parliament again confirmed the privileges of aliens⁶. The indignation of the Palenographers probably explains the countenance shown by some of their leaders to the insurgents of 1381; they were even accused

¹ *Ibid.* p. 121.

² *Lester Book H.* 79.

³ *Ibid.* 141, for the petition, see *Rot. Parl.* m. 17 b-17 c.

⁴ *Lester Book H.* 130.

⁵ *Ibid.* m. 1.

⁶ A merchant was in office from 1377 to 1381, when Northampton was mayor in 1381 (*Lester Book H.* 130) and re-elected in 1382 (*ibid.* 130). Privileges of aliens confirmed. *Statutes*, m. 13. The Palenographers were especially small as to the market (*ibid.* m. 17), allowing them freely to buy and sell both small and wholesale.

of admitting the rebels into the city.¹ The favourable treatment of aliens stirred great commotion in the city and a petition in parliament shewed the strength of the opposition which it aroused. The Commons prayed that for the greater quietness and maintenance of the peace among the subjects London should be entirely restored to its franchises. The reply was given that they should have their franchises—giving to the aliens their liberties, and saving also that the victualers should have no special liberties by themselves, but should be under the rule of the mayor.² After Northampton had held office for two years, he was overthrown; Beconbre was chosen mayor in October 1383, and maintained his seat "by strong hand of certain crafts of London".³ Almost immediately afterwards, in November, the Londoners recovered their monopoly in a new charter.⁴ In 1388 the Merciless Parliament, which impeached Beconbre and others of the king's party, restored their privileges to them.⁵ none the less the tide was beginning to turn against the alien merchants. In 1390 a petition was presented, urging that merchant strangers repairing to England should be treated as English merchants were treated abroad. This was to be the watchword of the anti-alien party throughout the fifteenth century. For the moment the reply was unfavourable; merchant strangers were to be "well and courteously and rightfully used", so that they might have the greater courage to repair to England.⁶ However, in 1393, the king felt himself strong enough to reverse the proceedings in favour of aliens, and once more re-impose the old disabilities upon them.⁷ The merchants of London had been steadily advancing in wealth and power since the middle of the

¹ *Ibid.* *Foot* II. 142-3 (1380).

² *Ibid.* II. 147-8.

³ *A Chronicle of London from 1255-1539* (ed. by J. G. Barrow), p. 72. Beconbre was mayor three years in succession, 1383, 1384 and 1385 (*Letter Book R*, nos. 241-249). He was succeeded by Nicholas Beconbre, a fishmonger and an adherent of Beconbre, who held office two years, 1386 and 1387 (*ibid.*, nos. 250, 251). Northampton, after his fall from office, was brought to book. The charges against him are given in *The Treasurer's Receipts and the Lollards, A Collection of Documents*, ed. R. Fowler and G. H. Trenchard (1891), 27-28.

⁴ *Letter Book R*, nos.

⁵ *Statutes*, II. 37. *Ibid.* *Foot* II. 147-8. In 1388 the mayor of London was Nicholas Twyford, a gentleman and supporter of Northampton (*Letter Book R*, 138).

⁶ *Ibid.* *Foot* III. 216-217. *Statutes*, I. 37.

⁷ *Statutes*, I. 42.

fourteenth century, they had improved their status and consolidated their position by the acquisition of royal charters. They were now, as events had shown, in a position to determine the struggle in their favour and to force their wishes upon the Crown.

Peace of
the Loo-
cathons

The poverty of Henry IV. weakened his power, and he was unable to withstand the interests of the mercantile classes. In 1394 it was enacted that alien merchants should receive the same treatment in this country as was extended to English merchants in other countries. They were forbidden to sell merchandise to one another, and were required to sell their wares "within a quarter of a year next after their coming", and also to spend the money they received upon native commodities¹. The following year, however, the provision restricting the sale of commodities to a period of three months was repeated at the petition of the Italian merchants², and the Commons again renewed their complaints³. Henry V. carried on the policy of his predecessor; and in 1413 and 1416 confirmed the measures against aliens⁴. But the next reign witnessed a long stream of petitions complaining that the laws against aliens were not enforced. In 1427 the Commons made a strong remonstrance that the statutes relating to aliens "should be better kept"⁵. Southampton secured special concessions⁶, but one cause of the unpopularity of later Lancastrian rule was the neglect to enforce the laws against foreign merchants, a policy which alienated the trading classes and weakened the attachment of the city of London to the dynasty. The *Libelle of English Polycye*, referring a complaint as old as the fourteenth century, lamented that Englishmen abroad were worse treated than aliens in England, as Barbant they were required to sell their wares and buy their goods within fourteen days⁷. A Yorkist pamphlet on Commercial Grievances, published in 1512, shows

English
law of
later Lan-
castrian
rule

¹ Statute, R. 1394.

² Rot. Parl. m. 222 a. Statute in 1395.

³ Rot. Parl. m. 222 b. (1394).

⁴ Rot. m. 15 a. (1413); Statute, R. 1416 (1416).

⁵ Rot. Parl. m. 221 b. The reply was unresponsive: *See* *Statutes*.

⁶ *Stat. MSS. Class.*, 17th Reg. App. m. 43 (1427).

⁷ *Political Tracts*, m. 179.

that commercial questions had already begun to affect political issues: "The third article and full grievous is this, that the Lombards, Castellers, etc., be suffered to abide so long within the land, and to utter [sell] their goods at their own lust"¹. Richard III. in his unceasing efforts to gain popularity passed an act, which renewed the old restrictions on aliens respecting retail dealing and length of residence, though the period was now extended from forty days to eight months². Henry VII. at once repealed this act, though he granted a charter to London forbidding strangers to buy and sell to other strangers³. Complaints against aliens continued during the sixteenth century. In 1514 a petition from traders and artisans related that the route "is so inhabited with a great multitude [of] needy people, strangers of diverse nations . . . that your loyal people Englishmen cannot imagine nor tell whereto nor to what occupation that they shall use or put their children", and it demanded that aliens should only remain in England one month⁴. The London merchants denounced their alien competitors on the wadding ground that "great ruth and pity it is to see great loss and decayng of all the king's subjects of this realm, that hath the use and wearing of such like stuff"⁵.

To agitate for laws against aliens was only one part of the burgesses' programme, the other part was to carry out these laws by placing them under the control of English hosts, who were responsible for their guests and witnessed all their commercial transactions. The hostelling took oath "to be perry and oversee all manner [of] merchandise that any merchant alien, being under your and hostages and oversight, hath"⁶. The system was an old one, for in the twelfth century Henry II. granted the burgesses of St. Omer as an exceptional privilege the right to have lodgings in London

¹ *Wingfield: Essay of Historical Literature in the Fifteenth Century*, App. A, p. 1.

² *Ibid.* in. 210.

³ *Ibid.* in. 207. For the charter to London: *Black, Customs of London*, 20-21, 26.

⁴ *Richards: Englishmen Remonstrated* II, 208, No. 121.

⁵ *Ibid.* II, 208, No. 121 in. 1514.

⁶ *Letter Book* II, 194. ⁷ *Document illustrating the hostelling of aliens as granted to English Burgesses: Wingfield: School Documents*, 192.

at their own choice, and to sell their goods to whom they would without view of justice or sheriff.¹ An exception was also made in favour of Teutonic merchants: "The common law of the Men of the Empire of Germany is that they may lodge within the walls of the city of London where they will" (c. 1130).² But it was difficult to enforce, and in 1260 twenty merchants were fined a thousand pounds, because they used their own weights and refused to lodge in houses belonging to citizens.³ In 1285 foreigners were forbidden by statute to be innkeepers for denizens or strangers.⁴

*Statute
of 1285
regarding
the 1285.*

London sought in 1280 to make the system of hosts compulsory, and ordered alien merchants "that they for the future keep no hostels themselves for bed and board, but they shall lodge only in the hostels of citizens on pain of forfeiture of all their moveables."⁵ In 1299 another petition stated "that no stranger keep hostel within the realm."⁶ Early in the fifteenth century (1404) a vigorous attempt was made to establish the system on a proper footing, by compelling the local authorities in every town to which foreign merchants repaired to assign hosts for their reception.⁷ The demand that aliens should live in "some notable house", and buy only with the cognisance of the householder, became the burden of repeated petitions in 1411, 1413 and 1416, while in 1415 it was made the condition of a grant that "all merchant strangers shall be under host within fifteen days after their coming, and ere they make any sale of their merchandise", and to sell their wares within forty days after their coming under host.⁸ The failure of all their efforts drove the Commons to intimidation, and in 1438 they demanded that any mayor or bailiff, who suffered alien merchants "to be at large under his control and will",

¹ *Cat. of Documents in France*, 428.

² *Id. ibidem*, "A London Municipal Collection", in *English Hist. Assoc. Proc.* 1901, p. 12. For another version of these early rules for foreign merchants, see Riley, *Later Charters*, 1, 16-17. A second set also compiled, *ibidem*, p. 137.

³ *De Antiquis Legibus Saxon.*, 111, 112.

⁴ *Later Stat. G.*, 17.

⁵ *Statutes*, 1, 142.

⁶ *Stat. Part. II.*, 17.

⁷ *Stat. Part. II.*, 17 (1411), *ibid.*, 17, 13 & 14 (1413), and p. 120 & 121 (1416).

⁸ *ibid.*, 17, 17 & 14 (1415).

should pay the extreme penalty of sixty pounds for each alien.¹ This violence overshoot the mark, and the next year parliament extended the period of residence to three months and reduced the penalties. The mayor of London was to incur a fine of forty pounds for neglect, and other towns half the amount.² But the government still refused to give way; the reply invariably was *Le roi s'entend*. In 1433 the pertinacity of the Commons, after many ineffectual attempts, seemed rewarded; and they were successful in placing upon the statute-book the act of 1432, by which aliens were to sell their wares within eight months and were brought under the control of English hosts, who should have cognizance of all sales. The act attracted great attention; it was to hold good for eight years³, but contemporaries are agreed that it was inoperative. "The Commons desired that Lombards and others should be put into hosts, but it was long afore it might be granted; and so it was granted and not performed, to great hindering of the merchants of England"⁴. The chronicler Bale also adds his testimony that "the ordinances took none effect"⁵. The system of compulsory hosts survived under the Yorkists and Tudors, for in 1493 Norwich⁶, in 1496 Ipswich⁷, and in 1498 Yarmouth⁸, ordered that no alien should harbour strangers. At Newcastle, where the hostmen formed a corporation as early as 1327⁹, it was laid down (1548) that no host should make purchases from his guest; but that a number of the fellowship should be appointed as "price-takers" or

¹ *Rot. Parl.* in 422 a. ² *Ibid.* p. 422 a. ³ *Statutes* i. 373.

⁴ *Chronicle of London*, ed. C. L. Kingsford (1892), 121. The act is also referred to in a *Chronicle of London*, from early-edition p. 108.

⁵ *History, for Three Centuries*, 119. "The question of forcing aliens to have entered considerable trading in Henry VI's reign. Cf. the "Lancet"."

"What manner is it that we should go to host
In their countries, and in this English host
They should sell us, but have more liberty
Than we should." (*Political Poems*, h. 176).

⁶ *Records of Norwich*, h. 101.

⁷ *Baron. Annals of Ipswich*, 127. *Westminster, Borough of Ipswich*.

⁸ *Records, Antiquities of Great Yarmouth*, 499, No. 107.

⁹ *Records of the Company of Merchant of Newcastle-upon-Tyne*, ed. F. W. Denny (1904), p. 1010c. This company obtained a monopoly of the sale of coal.

"viewers" to levy merchandise brought within the town by any stranger, "at such reasonable price as by their discretions shall be thought convenient", and the commodities purchased were then distributed among the members "according to the rates of shipping".¹ Even in the time of Elizabeth a charter of London, William Tipper, secured a grant of letters patent (1576) by which he was to appoint hosts for merchant strangers in London and elsewhere, and to have the oversight of their trade and levy an imposition of two-pence in the pound on the value of their purchases and sales. At Norwich (1578) the authorities, out of consideration for the strangers settled in their midst, "and for the experience we have had of your godly disposition and good behaviour amongst us", purchased from Tipper the privilege of his privileges in so far as they affected Norwich.²

The number of aliens settled in England was very considerable³, and under Edward III (1345) a proposal was made that they should be taxed. This expedient was in accordance with the anti-alien programme, but it was prompted also by the feeling that foreigners ought to share in the burdens of the country.⁴ In 1353 an annual tax of sixpence was imposed on resident aliens, and ten years later a subsidy of six shillings and eightpence was levied on foreign merchants and twentypence on their clerks. In 1455 denaturalised aliens were required to pay forty shillings yearly, those who remained only for a period of six weeks twenty shillings, and aliens who became denizens ten marks.⁵

One charge directed against foreign traders⁶ was that they drained the country of gold, and depreciated the currency by circulating base money. The evil was already producing its inevitable effects in 1298 when men began to

¹ *Memorabilia Edwardi de Curia*, i. 23.

² *Wapentake* (see *ibid.* i. part i. 35-40). The status of the grant relating to the oversight of trade and the levy of a tax were discussed on the intervention of Archbishop Malton; *ibid.* 42.

³ *Parish Rolls, 1220-1450*, pp. 330-334, for a list of aliens who settled in England in the early part of the thirteenth century.

⁴ *Ibid.* *ibid.* i. 232-3.

⁵ *Roll. v. 43* (1345) = 1245² (1346), v. 43v = 1345². *Customs and Arrivages of London* (1372), fol. 10. *Statutes*. "And of every merchant alien being so denizen 40 s. yearly."

⁶ *Memorabilia* concerning the acceptance of current money; *Letter Book C* 84.

Presence
of aliens

Expatriation
of gold and
silver

reduce the cost of the realm, and the government was forced to take action¹. The *Statutum de Falso Moneta* (1298), superseded by a statute enacted to Edward II, condemned to go to the east or the west by forbidding any one to bring in foreign money². But in the main the government was chiefly concerned to prevent money from leaving the country. Edward III. took steps to prevent the export of coin: his action had nothing to do with the later mercantilist doctrine that money is wealth, or that abundance of money is the sign and symbol of power. England was alarmed at the prospect of losing its store of precious metals, used for economic purposes as instruments of exchange; for throughout the Middle Ages, until the discovery of America, the supply was inadequate. In 1335 an act provided that no one "shall carry any sterling out of the realm of England", and "that no pilgrim pass outside our realm to foreign parts, except through Dover, under pain of a year's imprisonment"³—in order that they should not take gold out of the country. In 1343 the prohibition was repeated that bullion should not be carried out of the realm, "in any manner nor for any cause whatsoever"⁴. In spite of legislation, the export of money apparently went on without interruption; it was the ground of complaint in 1351⁵, and through another statute was passed in 1354⁶, moreover were again renewed under Richard II in 1379⁷ that the country was being depleted of money. Three years later the officers of the mint gave warning that money was leaving the country, and what remained was becoming deteriorated; if remedy were not speedily applied, "where you think to have five shillings you will not have four". The advice of Richard Aydenbury was that if the merchandise exported from England were well and rightly governed, the money that is in this country would remain, and much money would come from beyond the sea, that is to say, foreign merchandise ought not to be brought within the realm in a greater

¹ *Letter Book C*, 10.

² *Statute* I. 132, 133. For A-D legislation, see *Goldmann, Statute*, I. 132.

³ *Statute* I. 135.

⁴ *Statute* I. 136.

⁵ *Statute*, I. 137. *Statute, Dover Customs*, 107.

⁶ *Stat. Parl.* 12, 13, 14.

⁷ *Stat. Parl.* 12, 13, 14.

quantity than the value of the native merchandise which passes out of the realm¹. Accordingly, an act (1382) was passed forbidding the export of gold and silver². Here, again, the importance of having a plentiful supply of money for purposes of circulation is sufficient to explain the motives of Richard's measures. It was easy enough to forbid the export of money; it was more difficult to prevent it. In 1396 a concession was made, by which aliens were to expend one half of the money they received on English goods, and might carry the other half out of the realm³. Henry IV at first adopted this plan⁴, but subsequently insisted that all the money received by foreign merchants in England must be laid out on English goods⁵. In the next reign (1406) the Commons again petitioned that no one should take money out of the country⁶, and on several occasions (1423, 1439 and 1444) the prohibition was renewed under Henry VI., and foreign merchants were ordered to find surety that they would neither compel payment in gold, nor refuse silver, nor carry gold or silver out of the kingdom⁷. The prohibition was repeated in later reigns (1489, 1498, 1499, 1510, 1522)⁸, and even under Elizabeth alien merchants are found complaining that they were not always able to employ their money within the period of three months assigned to them⁹.

The hostility towards alien strangers found expression in many riots and disturbances, which were largely the work of persecuted Jews. The Lombards were attacked in London in 1355¹⁰, and foreign merchants were roughly handled both in London and throughout the country at the time of the Peasants' Revolt. "Many Flemings",

¹ *Ibid.* *Final* in 1284-85 (1284). One of the articles in the *Yorkist Commendation Ordinance* (1381). "It is essential for us to have how the money, gold and silver, goeth into diverse realms and countries. And how that it be hindered so that it should not pass. And how to get it again." *Reginald, Historical Collection of the Fifteenth Century*, 320.

² *Statute*, c. 17. *Final* *Final* in 1382.

³ *Statute* of 1396.

⁴ *Final* c. 1396.

⁵ *Final* c. 1396. *Continued* *Final* c. 1396.

⁶ *Final* *Final* in 1406 (1406).

⁷ *Statute*, c. 1423-1424, 1439 (1439), 1444 (1444).

⁸ *Final* c. 1489 (1489), 1498 (1498), 1499 (1499), 1510 (1510), 1522 (1522).

⁹ *Statute*, *Elizabethan Statutes*, c. 1562, 1563, 1564.

¹⁰ *History*, *Medieval*, 300.

observes a London chronicler, "lost their heads at that time, and scarcely they that could not say Bread and Cheese but Beef and Cane"¹. The Italians were only saved from destruction by their strong walls, which defied the malice of their enemies. Attention has already been drawn to the spiteful tale of petitions against aliens under the later Lancastrian dynasty, and the resentment culminated in the famous riots of 1495 and 1496. After the second riot the Venetians, Genoese and Florentines resolved to withdraw from London, and Winchester was proposed as the new centre of commerce. Even a century earlier, a scheme to abandon London on account of its persistent hostility to alien traders had been contemplated. A Genoese merchant urged upon the king to make Southampton the seat of traffic, and was rewarded through the jealousy of the London traders². The Venetian Senate, as will be seen, approved of the proposal and forbade its merchants to resort to London, but eventually the Italians once again returned³. In 1527 another outbreak occurred: "In this year on May Day, which is called II May Day, was there an insurrection in London of young persons against aliens: of the which divers were put to execution, and the residue came to Westminster with halberds about their necks and were pardoned"⁴. Not only in London but elsewhere, we have glimpses of the disturbed relations between burgesses and strangers: thus early in the fourteenth century there were riots at Norwich, in which foreign traders were driven from the city⁵. But in spite of these unpleasant incidents, the resident alien merchants had a share in national movements and played their part in the civic life of London, in its pageantry and processions. When Henry VI returned to London after his coronation at Paris, the citizens rode out to welcome him.

¹ *Stapleford, Chronicle of London*, 19. At York with the merchants followed these *Peasants (Plebs)*, *The East Angles Rising*, 30, and elsewhere there was great hostility displayed (ibid. 46).

² *Walsingham (Roll Series)*, i. 427 (1378).

³ *Ibid.* p. 426. There were two distinct riots, see E. H. Seeley, *London and Foreign Merchants in the Age of Henry VI.*, in *English Hist. Review*, 187, 188.

⁴ *Flodden, Six Days Chronicle*, 192; *Stapleford, Chronicle*, 10, 103-104.

⁵ *Full. Comp. Hist. Norfolk*, ii. 446 (1320).

" And for to remember of other shene,
First Canons though they were strangers,
Florentines and the Venetians,
And Escheviers died in their manners " 1.

roads after the mayor to meet the king. The *Chronicle* records that when Queen Mary was received into the city the pageants of the strangers—the Genoese, Hansards and Florentines—" were the mightiest " 2.

Foremost among the aliens who flocked to these shows were the merchants of the Hanseatic League, known as the *Eastenders*, who from early times enjoyed extensive privileges which were denied to others. They are described by Wheeler in his *Treatise of Commerce*, written at the end of the sixteenth century, as " people of certain free towns in the Empire " 3, of which the chief were Lübeck, the head of the League, Danzig and Brunswick 4, all closely united in an offensive and defensive alliance for purposes of commerce. Originally formed as a mercantile league, they developed into a great political state which dominated the north of Europe, and at one time even subdued Denmark. They secured large franchises in different countries, and were assigned places of residence at Bergen in Norway, at Novgorod in Russia, and at Bruges in the Low Countries, while their position in England was more privileged than anywhere else. They were already settled in this country in Anglo-Saxon times, and prior to the formation of the Hanseatic League had obtained special immunities. In the twelfth century (1172) Henry II concluded an alliance with the Emperor Barbarossa, which sought to stimulate commercial intercourse between merchants of the Empire and England 5. At the same time he took under his protection the London house of the men of Cologne 6, and

1 *Reynolds' Chronicle of London*, 98.

2 " *The London Chronicle* ", in *Complete Household*, 14, 49.

3 John Wheeler, *A Treatise of Commerce* (1600), 60-61. For a general sketch of Hanseatic history see H. Baerwald, *Slaves Trade* (1894).

4 Halliwell, *Peopling of the Empire*, 1, 328. The privileges enjoyed by the men of the Empire as merchant towns are given, pp. 122, 131.

5 J. M. Lappenberg, *Germanische Geschichte des Mittelalters* (1872), 2, 4.

The
Hanseatic
League.

Richard I freed them from taxes for a time in return for their contributions towards his ransom¹; at this period Cologne was the most important commercial town in Germany, owning a Hanse in London as early as 1199. Its immunities were confirmed by John² in 1203, while Henry III. in 1225 released them from the yearly rent of two shillings which they paid for their Goldhall in London, as well as from other customs and exactions. He further gave them freedom safely to go and safely to come throughout the whole realm, to resort to fairs, and to buy and sell both in London and elsewhere³. These privileges were gradually extended to other towns, and in 1257 the men of Lübeck, Rostock and Denmark received a charter conferring similar franchises⁴. At the instance of his brother Richard, King of the Romans, Henry also confirmed (1260) the ancient privileges of merchants, who had the house in London "commonly called the Goldhall of the Teutons"⁵. Subsequently (1266) the merchants of Hamburg were granted a separate Hanse throughout the realm, "in the same way as the merchants and burghers of Cologne have their Hanse"⁶. These concessions to Teutonic merchants were intended to win their allegiance to Richard, for it was distinctly added: "provided that the said burghers do in the meantime behave themselves well and loyally towards our elected brother"⁷. These privileges of the Hansards were confirmed by Edward I. and Edward II.⁸

"Among the privileges", says Wharfedale, "one was to ^{Privilege} carry out and bring in wares for an old custom of one tred and a ^{of the} quarter upon the hundred, and were thereby exempt from all personal or real contribution which all other merchants

¹ *Litterarum Patente duntaxat de Ransome* Goldstede in London, p. 7. ² *Ibid.* h. 7 m.

³ *Halsbury*, s. 320; *Polley*, *Early Customsmen*, i. 46.

⁴ *Halsbury*, i. 324. Lübeck's charter was renewed in 1267. *Forest Rota*, 1260-1270, p. 32. Denmark, also received privileges in 1257: *Ibid.* 1257-1262, p. 472.

⁵ *Wynne*, i. part, 308; *Halsbury*, i. 326. *Polley* regards this "Goldhall of the Teutons" as originally distinct from the Hanse of Cologne (*Early Customsmen*, i. p. 210). Possibly, however, they were identical (*Survey of the City of London*, s. 108, 292).

⁶ *Forest Rota*, 1260-1270, pp. 2, 17.

⁷ *Halsbury*, i. 324.

⁸ *Wynne*, i. part, s. 344 (1264), *Ibid.* ii. part, 120 (1284).

are subject to".¹ The measure of the preferential tariffs enjoyed by the Hansards can best be gauged by a comparison of the custom duties on cloth paid by English merchants and other alien merchants under the early Tudors.²

	English	Hansards	Other Aliens
$\frac{1}{2}$ of cloth	20d.	12d.	60d. (4-12d. to robe do.)
Cloth sold abroad	12d.	6d.	20d. (10-12d. to robe do.)
Woolen cloth	12d.	12d.	20d. (4-12d. to robe do.)

So jealously were their privileges guarded, that on one occasion the Hansards expelled a merchant who had paid larger customs than were due.³ In addition they enjoyed the right to sell certain commodities by retail, despite the prohibition against retail trading, to reside where they pleased and for any length of time. Anti-alien legislation always contained a saving clause in favour of their liberties.⁴ Even the city of London, which did not easily brook the violation of its privileges, appears to have raised little objection to the independence of the Hansards. In 1528 a composition was drawn up, by which the Hanseatic traders undertook to repair one of the city gates, Bishopgate, and accept part responsibility for its custody, while in return the city ratified their franchises⁵; a few years later (1535) they were also relieved of toll at Bishopgate in consideration of their service⁶. They retained the custody of Bishopgate until 1481, when they were deprived of it for not keeping the gate in repair⁷. The Hansards had sometimes occasion to complain that they were distrained for toll contrary to their agreements, and the justice of their contention was usually admitted⁸. But friction occurred when the league abused its privileges, and "coloured" the goods of other alien mer-

¹ *Writter* *op. cit.* 43.

² *Chron. Sigismon. Bishopgate*, c. 6.

³ *Letter Book B*, 121.

⁴ *Ed.* 1366, *Stat. Paul.* c. 122. *Ed.* 1374, 1442, c. 127. *Letter Book B*, 25, 121; 1377, *Statutes*, c. 203. *Ed.* 1375, *Stat.* c. 203.

⁵ *Letter Book B*, c. 489. The composition was renewed in 1527. *Letter Book B*, 46.

⁶ *Letter Book B*, c. 112.

⁷ *Letter Book E*, 15.

⁸ *Ed.* 1327. *Letter Book F*, 231. *Ed.* 1331. *Letter Book F*, 92.—the composition, then renewed, is in that of 1327, but not 1331, as stated in 1342-53, c. 1, the composition of 1332 being that of London and Aversham. *Ed.* 1342. *Stat.* 121.

chaurs. In 1299 they were charged with harbouring strangers " under pretext of their estates, and receiving their goods as their own. This not only detracted the king of his customs, but also facilitated the concealment of bad money; and the practice was strictly forbidden".

The London house of the Hanseatic was called the *Steigward*. It was in their occupation as early as 1250¹, but they did not become actual owners till 1255, when the city council conveyed it to them². They were governed by an alderman and assistants, who ruled by merchant law³. In the fifteenth century the alderman, at the merchants' own request, was appointed by the king—a sign of the friendly relations which then subsisted between the Hanseatic and those among whom they were settled⁴. Even in the thirteenth century an alderman of the Hanse, Arnald, became a civic alderman⁵, and in 1381 the mayor of London, William Watworth, was elected by the Hanse to be their alderman⁶. On another occasion they made " a free-will offering " in relief of Douglas Ward, when it was unable from poverty to raise its contribution for the defence of the city⁷. Merchants of the Hanse also settled in provincial centres, of which the chief were Bruges and Lynn.

The Hanseatic merchants were not the only foreign traders who frequented these shores. The Gascons brought wine, which was the main article of import as wool was the main article of export⁸, and the Flemings owned a Hanse in London⁹. England also carried on relations with Venice,

¹ Riley, *Liber Cartularum*, i. 148, and *ibid.*, p. 459.

² Kingston, *Stow's Survey of London*, ii. 309. For a description of the Steigward see R. Smith, " The Hanseatic Steigward in London ", in *Papers of Old England: The Steigward and the Treasurer Chivalier were at first distinct* (Chapman, *Journal of Commerce*, i. 101); but subsequently the terms were used interchangeably (Kingston, *op. cit.* li. 328).

³ *Liber Cart. E. For.* (Am. Part vi. 125-126).

⁴ Wharton, *Treatise of Commerce*, 49.

⁵ 42-129; *Lib. Cart. E. For.* i. 303-4. (62) 1216; *Liber Cart. E.*, 412.

⁶ *Ibid.* p. 412.

⁷ *Liber Cart. E.*, 128. The church as a city magistrate in the year of the Peasants' Revolt with donations to secure official protection against attack.

⁸ *Lib. Cart. E.*, 492.

⁹ For the visit made by A.L. Simon, *The History of the Hanse Trade in England* (1901), who brings together the information on this subject.

¹⁰ The Flemish Hanse was derived in the thirteenth century by a number of cities, chiefly Spanish, but some belonging to N. France. E. Visschers, *Antiquaire diplomatique entre l'Espagne et l'Angleterre* (1874), 149, 150.

Can-
nals/Sea
Empire
of the
West

the greatest commercial city of the Middle Ages, and other Italian towns. As early as 1215 English cloth found its way to Venice¹, while the Tuscan merchants of Lucca and Florence obtained a large share in the wool trade² and engaged in seasonal dealings with the Gower. At first traffic between Venice and the great Flemish ports was restricted by land, but in the fourteenth and fifteenth centuries a fleet of merchant vessels—known as the "Flanders Galleys"—was sent every year by the Venetian Senate, laden with Eastern produce, especially spices, and Italian commodities. To encourage maritime intercourse with the West, wool brought overland to Venice from England and Flanders paid a duty of 25 per cent, while after the return of the galleys it paid only 3 per cent³. Part of the fleet visited Flanders, and part visited England, touching at Sandwich, Southampton, St. Catherine's Point and London. Independent trading ventures were also made by private merchants, and a large number of Venetians were settled in London. The voyage seems to have occupied the greater part of a year, and the fleet purchased fresh cargoes at the different ports which it visited. The crews were kept under strict control. "As the entrance of the galleys", ran a decree of the Senate in 1408, "when in London and Bruges pledge themselves in the taverns beyond the amount of pay received by them in those ports, so that the masters are compelled to go round the taverns and redeem the men at very great trouble and expense, it is ordered that all who shall be pledged in taverns to the amount of four denarii each above the pay received by them shall be redeemed by the masters, the money paid on their behalf to be placed to their debts"⁴. Henry IV. granted authority to the captains and masters of the galleys to determine all civil suits relating to matters affecting the galleys or their crews⁵. The Flanders' Galleys appear to be mentioned for the first time in 1397⁶, and from this

¹ *Reynolds* p. 202. Italian merchants also traded from 1215 to 1220, and thence, toward England in the fifteenth century, 26.

² See H. Brown, "The Maritime West Trade in the Middle Ages", in *Trans. Royal Hist. Soc.* N.S. vii, 186.

³ *Venetian State Papers*, i. p. 110, no. 26 (1397).

⁴ *Ibid.* 22, No. 191.

⁵ *Ibid.* 27, No. 276 (1400).

⁶ *Ibid.* 3, No. 7.

period onwards England's trade with Venice grew in importance. Almost from the very outset, however, the relations between the two countries were disturbed by incidents of violence and bloodshed. In 1309 a Venetian trader sold in London his cargo of sugar, and bought a quantity of wool at Boston; while conveying his purchases to Flanders he was attacked off the Wash by English pirates, and killed. Venice sent her first ambassador to England to demand reparation; but while the controversy was still pending a settlement, the Venetian Gallies reached Southampton in 1313, and the all-outing broke out in a serious affray which led to loss of life and property¹. Complaints of injuries inflicted upon Venetian merchants continued at intervals to interrupt the current of commercial intercourse, and there were also disputes with custom-house officers². Venetian trade was bitterly criticised as the *Leveller of English Prices*³, and trading merchants were attacked in the parliament of 1439. One petition dealt with the carrying trade. It set forth how formerly Italian traders brought only wines, spices and other merchandises from the countries that lie beyond the Straits of Gibraltar; this was not detrimental to the English navy, while imports were "at better cheap and price within this realm". But now they had also become the carriers of countries on this side of the Straits, Spain, Portugal, Brittany and others, whose commodities had hitherto been borne in their own or English ships. The result was an "outrageous increase in price" as well as great "hurt" to the navy, and the demand was put forward that Italians should only import commodities from beyond the Straits of Gibraltar⁴. Another petition denounced "the great deceit that is used by Lombards, Italians, and by other merchants alien", in selling spices that were not "clean cleaned nor clean gashed"⁵. The wool merchants, some years later (1455), also vented the grievance that "merchant strangers Indians" bought woollen cloth, wool, wool-balls and lin in every part of the kingdom with ready money, and so made their purchases at inflated prices. They urged

¹ *Venetian State Papers* i. 3. No. 111. p. 16. 18.

² *Ibid.* p. No. 104. (1304).

³ *Ibid.* *Ibid.* p. 12. 1.

⁴ *Ibid.* p. 120.

⁵ *Ibid.* v. p. 2.

that aliens should be allowed to buy these commodities only "in your ports of London, Southampton and Sandwich, where usually all merchants with galleys and caravels arrive, and in the town of Winchester"¹. It is evident that the wool-dealers, like the clothiers in their relations with the cloth-workers², were willing to accept the government's suggestion, and were irritated at finding that they preferred to sell their wool for ready money to foreign purchasers. These petitions failed to move the government, but the silk-weavers were more successful, as we have seen³, in their plea for protection. Edward IV. extended this protection to other branches of native industry, including woollen cloths, woollen caps, laces, ribbons, hennens, purses, gloves, shoes, leather daggers and pins⁴. The hostility of London citizens, expressed in the petitions of 1433 and 1435, culminated in the riots which broke out against Italian traders in 1436 and 1437. A decree of the Senate (1437) prohibited all relations with the citizens of London⁵. It stated that "by reason of the insult perpetrated by certain artificers and shopkeepers of London against the Italian nation to the risk of their lives and property, the merchants of the Italian nation—namely, the Venetians, Genoese, Florentines and Lucchese—met together, and after consultation determined that it was necessary to quit London for personal safety and security of their property; and for their comfort they selected Winchester, stipulating amongst themselves that no individual of the nation abroad might go to London or trade there". This resolution was now confirmed with the warning that "if any man of the Venetian ships bound to England go to London as long as the merchants remain absent, the consul shall levy a fine from him of five hundred eight livres", and "should any one going to London buy or sell", he should also forfeit the whole of what he bought or sold⁶. Subsequently, however, the Italians returned to London. The last

¹ *Stat. Parl.* v. 322 b.

² *Ibid.*, p. 423.

³ *Ibid.*, p. 339.

⁴ *Ibid.*, ii. 326. Similarly, *ibid.*, iii. 423. For the Venetian governmental policy in the cloth trade, see *supra*, p. 461.

⁵ *Venetian State Papers*, 14, No. 320. See also *Letter Book K*, 375, *Register, Chronicle of London*, 161, and *supra*, p. 462 (n. 2).

visit of the *Flanders' Gallies* was in 1551.¹ heneverth Venetian merchants traded with London at their own risk, and no longer under the auspices of the Venetian state.

The history of English commerce in the fourteenth and fifteenth centuries is largely the history of the English staple. The staple² was a depot where traders deposited their wares, it was a continuous mart at which commodities were bought and sold, just as the fair was a periodical mart. The underlying principle of the staple system, which ultimately was a creation of the state rather than a private enterprise, was to regulate the stream of commerce and force it into definite channels. The staple town served as a centre of distribution, to which merchandise was carried in the first instance and there exposed for sale. When it exercised a monopoly and was made compulsory for traders it guaranteed free trade, but was recommended to the government by certain fiscal and political advantages. Its primary purpose was to facilitate the collection of the custom-revenue. It was devised as part of the financial machinery to prevent evasion of toll on the part of those who exported English wool abroad *for sale or use*³, and also to safeguard against the insolent misgivings of collectors, who were accused of gross offences in the discharge of their duties⁴. At the same time it enabled the king more easily to enforce a recognized standard of quality, by bringing the export trade under the direct control and supervision of the royal officials. The staple also served a political purpose as an instrument of diplomacy, by which to conciliate friends and intimidate enemies. Foreign courts intrigued for its possession, and it was eagerly sought after by France, Holland, Flanders, Artois and Brabant. When the staple was fixed at Calais, it fulfilled other functions to which attention will be directed later.

The institution of the staple originated in all appearance

¹ For the etymology of the word, staple, see R. Vaughan, *Staple Act* (1905).

² These words occur in the ordinance establishing the staple at Bruges in 1364: *Revue* (II. 483) n. par. 10, 1075.

³ *Parliament Rolls*, 1353-1354, p. 464 (1353).

the early
fourteenth

in the thirteenth century, though the details of its organization were not worked out until the fourteenth. Its early beginnings are extremely obscure. The Merchant Staplers claimed that a staple of English wool existed as early as 1166—and there are grounds¹ for accepting their statement; but we have no knowledge as to its whereabouts. In 1242 Edward I. entered into an alliance with Holland, and a staple was set up at Doornrecht.² Subsequently (1258) the English king united with the Flemings, and the staple, we are told, was removed to Bruges.³ About the same time, we find "the merchants of England" frequenting Antwerp when John, Duke of Brabant, granted to Edward I. in 1262⁴, and here they remained at intervals during the rest of the reign.⁵ The development of the staple system was carried a step farther by an Ordinance of 1299, which enjoined that wool and other merchandise should have no passage out of the realm save at the following ports: Newcastle-on-Tyne, Hull, Boston, Yarmouth, Ipswich, London, Sandwich, Southampton and Bristol, where collectors of customs were appointed.⁶ The object of this measure was purely fiscal; it sought to direct the export trade of the country into regulated channels for purposes of revenue. But it marked a stage in the growth of the staple, because it

¹ (1) In 1200 English merchants contended that a staple for wool was in existence under Henry III. and Edward I., and so the king alleged was an *ancient custom* of a staple of wools. *Clearalls*, 1518-1521, p. 124. (2) The tradition of a wool-staple under Henry III. survived as late as 1518, and was not denied by the *Stacks at Antwerp*, v. 10, here there confirming the claim of the Merchant Staplers; *Stacks, English Monthly Club*, v. 10, No. 132.

² *Vlaendergh, Historie d'Anvers depuis son Fondeur et l'Anglois*, 1645; C. M. Taylor, *History of Holland* (1847), i. 112.

³ *Vlaendergh*, op. cit. lib. *Barons*, op. cit. i. 117. Presumably to take wool to Flanders was granted in 1242; *Barons*, i. 117.

⁴ *Patent Rolls*, 1262-1275, p. 217. Notification that the king has sent the letters patent dated 1262 of the Duke of Brabant.

⁵ (1) In 1299 English merchants are reported by the king to go to Antwerp as they used to do, the Duke of Brabant having promised to observe his agreements; *Patent Rolls*, 1290-1312, p. 425. (2) We find the staple set up at Antwerp in 1292 and 1294; *Clearalls*, 1518-1521, pp. 124-125. In 1298-1299 they are allowed to go to Antwerp as *Flamens*, as they used to go to Bruges; *Patent Rolls*, 1297-1305, p. 425. (3) In 1298 the Duke of Brabant refused the king that merchants be allowed to go to Antwerp, it is understood, therefore that all merchants may hold the staple at Antwerp, as they have been wont to do; *Clearalls*, 1297-1312, p. 125.

⁶ *Clearalls*, 1298-1300, p. 125. *Stacks, English*, 131.

compelled traders to export their commodities from certain centres.

Edward II., however, rather than Edward I. might perhaps be regarded as the father of the English staple, for in his reign the system assumed its most characteristic features. In the earlier period the staple was apparently voluntary and not compulsory; it was the recognized centre of the overseas trade and the established resort of organized commercial bodies, but merchants still remained free to frequent any port they chose.¹ In 1323 an Ordinance was issued, which stated that the king had suffered loss of revenue from allowing native and foreign merchants to export wool wherever they pleased in Brabant, Flanders or Artois, and it ordered "the mayor and commonsality of the merchants" to set up a fixed staple, in which all wool and woollen shipped abroad should be carried.² This Ordinance conflicted with the interests of the alien party in England, who sought freedom of trade without any restrictions on their trade; it may very well, therefore, have been the work of the Ordainers,³ whose policy, as we have shown, was anti-alien. The purpose of the regulation was to confine to the staple towns all who exported English produce; it set aside voluntary agencies in favour of a compulsory organization, which was binding on all engaged in foreign trade. The "mayor and council of the merchants" were granted permission to compel all merchants, denizens and aliens alike, who made default against the Ordinance of the Staple⁴, and their authority was confirmed on subsequent occasions.⁵

The Ordinance of the Staple 1323

¹ *Close Rolls*, 1267-1272, p. 232. In the thirteenth century, according to the authorities, no penalties were inflicted upon contraventions of the staple. Cf. also *Patent Rolls*, 1267-1272, p. 222 (merchants of England reported to go to wherever—showing that the stipulations are compulsory).

² *Patent Rolls*, 1322-1325, p. 322. *Liber Regis E. II.*

³ This point is well brought out in F. P. *Trist*, *The Place of Edward II. in English History* (1912), 291. For these other measures against aliens, see infra, p. 232.

⁴ *Patent Rolls*, 1325-1327, p. 132 (sent of and issued three months after the Ordinance of the Staple empowering the mayors of the staple to arrest defaulters). For the imposition of penalties, see *Patent Rolls*, m. 13, 24, 26.

⁵ *Patent Rolls*, 1327-1331, p. 264 (1328). *Halsbury, Foreign* (ed. 1902), 1: 220.—On Staple towns see infra, chap. xxviii.

Opposition
to the
staple.

The Ordinance of 1293 was regarded by the merchants in the light of a charter, which empowered them to fix the location of the staple at their own discretion and to enforce obedience to their decision. It suggests that in their origin the staple and the body of Merchant Staplers were not, as is generally supposed, a creation of the state, but a private—or more strictly, a semi-private¹—commercial enterprise, afterwards transformed into an organ of government and adjusted to the fiscal and political needs of the state. This conjecture seems confirmed by the wording of a subsequent ordinance issued in 1295, when the king made a part of the staple to Bruges. "The king wills that the aforesaid grant shall not prejudice . . . Merchants of the Staple, contrary to the tenor of the charter of that staple, and shall not be drawn into a precedent hereafter"². The foreign traders, however, raised vigorous opposition to the establishment of a compulsory staple. In 1290 merchants of the Society of the Bark of Florence and other alien merchants appeared before the King's council, and asserted that they ought not to be restricted to the staple. They urged that they had never consented that a charter should be obtained from the king, and that they ought not to be bound by it to carry their wool and wool-kills to the staple against their will, once they had paid their customs; the restriction being contrary to *Magna Carta*, which allowed merchants to pass freely from the realm³. The native merchants rejoined that a wool-staple had existed in the time of Henry III. and Edward I., but that formerly no penalties were imposed upon those who contravened it; and accordingly the charter had been obtained at the suit of native and alien merchants in order to set up a compulsory staple. They added—and here came a first hint of the political importance of the staple system—that by means of the staple the king would be able to bring pressure to bear upon other countries and constrain them from lending assistance to his enemies⁴.

For several months after the Ordinance of 1293 the staple

¹ See *supra*, p. 474.

² *I.e.* the grant was not to prejudice the merchants' right to fix the staple.
Close Rolls 1293-1295, p. 27^b.

³ *Ibid.* 1290-1291, p. 124.

would seem to have remained at Antwerp.¹ Flanders stopped the price claims as the chief market for English wool, and in July 1324 Count Robert tried to secure the "fixed staple" for Bruges², but Philip had already (May 1324) urged its transference to St. Omer³, and his representations prevailed. Accordingly we find the staple at St. Omer early in 1325⁴, but before the end of the year it was once more restored to Agincourt⁵. For a time, indeed, commercial relations between England and Flanders were altogether suspended at the instance of the French king, who was at enmity with Flanders and urged Edward II. to arrest all Flemings in England: "on the fealty which you bear us and the alliance which exist between us"⁶. Edward II. complied with the request, and commanded the expulsion of Flemings from the country⁷. Shortly afterwards Louis, who had succeeded Philip on the French throne, prayed the king "with pressing importunity" to establish a staple between Calais and the Seine; and merchants were ordered to order with the king at Lincoln⁸. However, in 1326, peace was concluded between Flanders and France⁹, and the resumption of commercial relations with England was followed in 1328 by a renewal of the proposal to remove the staple to a Flemish town. Merchants again were summoned¹⁰, but for the moment nothing was done. Instead a new project was set on foot, and attention was concentrated upon a design to establish home staples within the kingdom, at which native produce was to be bought and sold, and nowhere else. The question had been raised in earlier parliaments, and more particularly in the parliament which met at York in 1318¹¹. The next year writs were issued for

The seat of the staple

¹ *Close Rolls*, 1322-1325, p. 26. The staple was at Antwerp in March

1319.

² *Rotam.*, ii. part i. 230.

³ *Ibid.* ii. part i. 238. The request was granted. *Ibid.* ii. part i. 231.

⁴ *Close Rolls*, 1324-1326, p. 109. This was in February.

⁵ *Ibid.* 1323-1326, p. 312. This was in November.

⁶ *Rotam.* ii. part ii. 100-101.

⁷ *Ibid.* ii. part i. 240.

⁸ *Ibid.* ii. part i. 242; *Close Rolls*, 1325-1328, p. 238. This was in December 1325.

⁹ *Rotam.*, ii. part i. 309.

¹⁰ *Ibid.* p. part i. 318. "The mayor of the merchants, Ralph de Cheriton, was present in the parliament at York 'on business touching the state of the said merchants going to Flanders'." *Close Rolls*, 1327-1329, p. 102.

¹¹ See the document printed by A. H. Hall, "The Establishment of the Home Staple" (1904) in *English Historical Review*, xxiii. 20-22.

the commons, or an assembly "to consider the advisability of fixing the staple of wool at certain places within the realm."¹ The sheriffs, were enjoined to send justices, merchants and representative burghs from various towns to hold a conference before the treasurer and barons of the Exchequer. The document in which the opinions of the merchants are set forth has fortunately been preserved, and its recent publication throws a valuable light upon their attitude.² They advised that two staples should be set up in England, one on each side of the Trent, and that alien merchants should trade there and not elsewhere. No foreign money was to be imported, but only gold, plate and bellion, and aliens were to be encouraged to come to our shores by the promise of speedy justice according to law merchant. The proposal, it was claimed, would bring prosperity to English towns, and security to native merchants from both losses at sea and recalcitrant debtors. At the same time it would restrain the import of bullion, and enable the king to raise loans from his own subjects instead of borrowing from strangers. The conference does not appear to have produced any immediate result, for the staple remained at Antwerp until some time after 1358³, when apparently it was held at Bruges until 1360⁴, when it was put back at St. Omer⁵ for a period of five years and then again removed to Bruges⁶. But in 1366 the policy of home staples, which a few years earlier had proved abortive, was adopted through the instrumentality of Hugh le Despencer⁷, and for two years there were no foreign staples beyond the sea. The *Ordinance of 1366*, which anticipated the more famous *Ordinance of 1353*, fixed the staple for wool, wool-fells and hides at fourteen places—eight in England, three in Ireland, three in Wales—and at these places only were aliens to buy staple commodities (wool, hides, wool-fells and tin) for purposes of export, upon penalty of

The
Ordinance
of 1366

¹ *Letter Book E*, 219.

² See *supra*, p. 279 & 311.

³ *Open Rolls*, 1373-1378, p. 321. Reference to the staple at Antwerp.

⁴ *Ibid.* 1378-1381, p. 215. "Certain English merchants at Bruges (1378) object to St. Omer and "under merchants of the king's realm and power bringing themselves from Bruges to the aforesaid staple."

⁵ *Ibid.* 1381-1382, p. 247.

⁶ *Ibid.* 1382-1383, p. 308.

⁷ *Letter Book E*, 1366-1367, p. 224.

interesting their purchases". Hugh le Despencer was rewarded for his enterprise by the appointment of "the town of Cardiff" as one of the Welsh staples.

At his accession Edward III. confirmed the home staples, but financial exigencies compelled him almost immediately to postpone the operation of the Ordinance. Merchants were allowed from September to Christmas to export wool freely, notwithstanding the Ordinance of the Staple, provided they contributed a loan in aid of the king's expedition to Scotland¹. The next year (1328) a parliament met at York, and considered the advisability of keeping the staple within the realm. The chief commercial towns, London, York, Winchester and others, were assented to its removal to the continent², and the king, desiring to overcome their opposition, abolished the staple system completely in the same year at the parliament of Northampton: "It is enacted that the staples beyond the sea and on this side, ordained by kings in times past, and the piers (pierces) provided, shall cease, and that all merchants, strangers and pilgrims may go and come with their merchandises into England after the manner of the Great Charter"³. For several years there was free trade, until in 1332 complaints were raised that certain merchants contrary to the Statute of Northampton had set up a staple at Bruges, where they compelled all who traded in parts beyond the sea to bring their wool and to pay heavy sums of money⁴. This was possibly an attempt on the part of the Merchant Staplers to restore their monopoly, and we may perhaps connect their action with the revival of Edward II.'s Ordinance a few months later, by which the home staples were again set up within the realm⁵. In 1334, however, they were once more abolished by a parliament held at York⁶. In 1339 Edward III. was preparing to

History of the staple trade
continued
133.

¹ *Parliament Rolls* 1326-1327, p. 269. Confirmed by Edward III. in 1327: *ibid.* 1327-1328, p. 271. The terms in English were London, Bristol, Newcastle, York, London, Bury, Winchester and Hereford for York. That Ordinance of 1326 was wrongly assigned to 1325 *ibid.* 1325-1326, p. 262. *Cal. Pat. Rolls* 1326-1327, p. 269.

² *Parliament Rolls* 1328-1329, p. 282 (1328). *Letter Book*, p. 111.

³ H. B. Stagg, *London and the Staple* (1894), p. 177.

⁴ *Statute* 1332.

⁵ *Parliament Rolls*, 1332-1334, p. 289.

⁶ *Ibid.* 1334.

⁷ *Ibid.* *Roll* 1337-1338, p. 297 A. *Statute* 1337, c. 13.

embark upon the great struggle in which the coveted prize was the crown of France, and he sought in every direction to win allies to his cause. Commercial considerations were sacrificed to political exigencies, and the staple was used as a bait to draw the great manufacturing towns of Flanders from their allegiance to the French king. A commission was appointed to open negotiations with the king's commissioners, for taking the staple of English wool without the realm.¹ As a result apparently of its deliberations, the bribe of a Flemish staple was held out to the count of Flanders and the cities of Bruges, Ghent and Ypres.² For the moment the negotiations were interrupted; the count of Flanders remained loyal to France, and the staple was established at Antwerp.³ But the scruples of the Flemish were overcome when Edward assumed the French title, and still more, perhaps, by his promise to set up the staple in their dominions. "Flanders joined to England by its trade in wool, to France by its feudal relation, became *neuro*", says the historian of the Netherlands⁴, "a shuttlecock between these two countries". Accordingly, in return for their aid the king fixed the staple at Bruges in 1292.⁵ Edward's commercial policy had been dictated by his political ambitions, and it was unpopular with the native merchants who recommended (1292) the removal of the staple to England⁶. They contended that this would benefit prices, transfer the burden of losses at sea to alien shippers and prevent the influx of counterfeited money. As a more solid inducement, the king was tempted with the prospect of raising a subsidy of forty shillings on every sack of wool as export duty at the expense of the foreigner. These arguments appeared to overlook the consideration that, if foreign buyers were burdened with export duties and confronted with the rules of carriage, they would not be willing to pay their former prices. The real drawback to the staple at Bruges was that it was not free; the Flemings

¹ *Forest Rolls*, 1227-1228, p. 478 (1227).

² *Bywater* *l.c.* (part ii. 246 (1227), 1463 (1228)); *Forest Rolls*, 1228-1229, p. 202.

³ *Ibid.* 1228-1229, p. 196 (1228).

⁴ *J. Blok, History of the Netherlands (Trans. Blof),* I. 237.

⁵ *Forest Rolls*, 1227-1228, pp. 202-203.

⁶ *Ibid.* *Roll* ii. 113-4.

would not allow buyers from other countries to export wool from Flanders, in order to retain the whole supply for the home industry; and their exclusion from the market caused a fall in price.¹ The market was still more restricted when the larger towns, Ghent, Bruges and Ypres, excluded the smaller industrial centres. These complaints against Bruges were repeated at different years², and serve to illustrate the difficulties which attended the establishment of foreign staples.

The representations of the merchants were not without weight in the councils of the English king, who in 1296 made a formal complaint to Bruges³, and eventually they carried the day. The famous Ordinance of 1293 ordered the staple of wool, leather, work-hills and lead, to be "perpetually holden" at Newcastle, York, Lincoln, Norwich, Westminster, Canterbury, Clidchester, Winchester, Exeter and Bristol in England, and a fixed number of places in Ireland and Wales⁴. According to John of Reading, the king, his eldest son and others swore to make the home staple perpetual. He attributes the removal of the staple to the breach with France and the consequent danger of the seas, but the failure of peace negotiations came the following year⁵. The Ordinance contained elaborate regulations for the organisation of the home staple. Wool and other native produce intended for export were ordered to be brought to one of the appointed centres, and there weighed and sealed. When the staple town was visited, the wool was then conveyed to the port attached to it, for example, from York to Hull, and from Winchester to Southampton, and here the exports were weighed a second time by the revenue officers. In order to encourage foreign merchants to frequent the English ports, they were promised safe-conduct, and for the same reason dockmen were prohibited to ship wool abroad; they were to carry it to the staple and so force

The
Ordinance
of 1293.

¹ *Rot. Parl.* i. 123 + (1242), . . . 125 + (1244), . . . 126 + (1246), . . . 127 + (1248).

² *Ibid.*, iii. part i. 191.

³ *Ibid.*, i. 320. Assented and confirmed, *ibid.* i. 325. The importance of the staple is shown by the fact that one of the main reasons for the failure of parliament in 1294 was no licence for the Ordinance. *Rot. Parl.* ii. 124.

⁴ *Chronica Johannis de Reading*, 180, 173.

alms to buy their commodities in England. All commercial transactions were excluded from the jurisdiction of the king's justices and entrusted to the rules of the staple. For every staple town was governed by a mayor and two constables, who sat with two alien assessors "to see that plain right be done to the merchant alms". Suits were determined according to law merchant, and not common law or borough custom; also "because that merchants may not often long tarry in one place . . . we will and grant that speedy right be to them done from day to day and from hour to hour".¹ This novel legislation does not appear to have realized all that was expected from it; and in 1362 representatives of Calais were enjoined to meet English merchants.² It was proposed to transfer the staple to Calais, and parliament was summoned to give its advice.³ The Lords approved; but the Commons delayed their answer until they had conferred with the merchants, of whom some favoured the proposal on the belief that it would be a good thing for Calais, while others held a contrary opinion.⁴ Calais had been made the staple for tin, lead and woollen cloth in 1348⁵, and now in 1363 it was also made the staple for wool.⁶ In 1369 the staple was ordered to be brought back to England; this, however, was not done immediately⁷, and in any case was not intended as another experiment, but was a temporary expedient devised on account of the outbreak of war.⁸ It was again put back at Calais, for in 1395 the Commons complained against licences allowing wool to be exported elsewhere than to Calais.⁹ These complaints were repeated with extreme indignation in 1396, when the Good Parliament declared that staple commodities had been shipped to other

*Journal of
the Staple
in Calais*

¹ For law merchant see below, p. 132; this has been proposed to alien traders in the Ordinances of 1328 (below, p. 421). As early as 1320 alien merchants had sought that half the jury should consist of foreigners (*Ibid.* Part I, 316-17). At Bristol the mayor of the staple was also mayor of the town (*12th Ed. Rec.*, i, 176), but at London the two offices were kept distinct (*Customs of the Court of Merchants*, p. 100-1). When the staple was removed to Calais, the merchants of England continued to serve themselves, transacting relating to debt, contracts, etc.

² *Close Rolls*, 1362-1363, p. 162.

³ *Red. Parl.* ii, 216-17 (1362).

⁴ *Ibid.* ii, 216-17.

⁵ *Rot. Parl.* iii, part C, 131.

⁶ *Statutes*, i, 220.

⁷ Staple officers at Calais are mentioned in 1370: G. A. C. Gordon, *Calais under English Rule* (1908), 67.

⁸ *Statutes*, i, 220; *Red. Parl.* ii, 216-17.

⁹ *Red. Parl.* ii, 216-17.

ports by the instrumentality of the king's secret advisers "for their singular profit, to the great prejudice and damage of the king and realm, and the destruction of the towns of Calais"¹. Richard Lyons and Lord Latimer were appointed for their conduct, and a loss was only gained on the condition that no business should be based on the future.² This practice of guarding licenses to merchants to take staple commodities "whithersoever they will," while the export trade was nominally directed into fixed channels, was an old one.³

At Richard II.'s accession Calais was still the staple town, although arrangements were made to remove the staple to England in case Calais were attacked.⁴ A concession was made to the merchants of the West—Genoa, Venice and Spain—who were allowed to buy staple merchandise in England after they had sold their merchandise here.⁵ They were not the only merchants, however, to exercise this privilege, and the burghers of Calais complained that merchandise was taken from England to Flanders contrary to their charter.⁶ But Calais had not yet become the permanent home of the English staple. In 1354 the staple was at Middleburgh in Zealand on account of the menace from France⁷, and in 1355 the Chancellor, Michael de la Pole, Earl of Suffolk, advised parliament to re-establish the home staples in England. The burghers of Calais and other towns beyond the sea, if contended, were being crushed while good terms at home decayed—so much for

*Assurance of
the staple,
under
Richard II.*

¹ *Ibid.* *Foot.* II. 303 a. Compare also the petition of Calais, *Ibid.* II. 320 b.

² *Ibid.* II. 303 a, 304 a.

³ (i) Merchants of the Society of Bristol licensed in 1294 to export wool "whithersoever they will" notwithstanding the charter of the staple (*Patent Rolls*, 1294-1295, p. 46). (ii) Similar license granted to the Burghs of the Staple the very day after Edward III.'s publication of the Ordinance of the Staple in 1353 (*Ibid.* 1352-1353, p. 205). (iii) License to the burghs of Ely in 1354 (*Ibid.* 1353-1354, p. 134). (iv) *Statutes in force* in 1348 to export cloth abroad notwithstanding the staple of cloth at Calais (*Ibid.* 1347-1350, pp. 136, 137, 138, 139, 140, 141). (v) License granted by Richard II. in 1357 (*Ibid.* 1356-1357, p. 19). The number of these licenses raises the whole question how far the staple system was really effective in practice: they are a warning of any rule not to exaggerate the extent to which the system acted as restraint of unlicensed trade. See also infra, p. 487 (a, b).

⁴ *Statutes*, II. 2.

⁵ *Ibid.* *Foot.* III. 13 b.

⁶ *Ibid.* *Foot.* III. 53 a, 132 b.

⁷ *Patent Rolls*, 1350-1354, p. 307; *Ibid.* *Foot.* III. 120.

the commons' profit: teaching that of the king, he declared that the staple beyond the sea was prejudicial to the king's customs¹. The Mercian Parliament (1288), which condemned Suffolk, did not favour his policy and removed the staple from Liddichburgh to Calais². The change was not popular, and the Commons (1289) petitioned in vain for the return of the staple to England³. But in 1290 they succeeded in making it the condition of their grant⁴, and the Ordinance of 1292 was revised⁵. Within a year the staple was restored to Calais⁶, and here it would seem to have remained until Calais ceased to be an English possession. A large number of statutes⁷ confirmed the monopoly of Calais, but their very frequency suggests that they were not easily enforced. The act of 1299 recited: "Formerly as Edward III. by great deliberation ordained his whole staple of wools, wool-balls and other merchandises to be at Calais, for the weal and profit of his realm and safeguard of the said town; and by the great liberties and franchises given to merchants thereto repeating, after that many years came great revenues to him and to his successors, as it appeareth of record in the king's exchequer, that is to say, in every year of his reign sixty-eight thousand pounds and more, and so continued many years at which time great riches came into this realm by means of merchants of the staple . . . the said town of Calais and the Marches were well repaired, and soldiers paid of their wages", whereas now, owing to the export of merchandises to other ports, "the customs and subsidies of the merchandises repeating to the said staple of Calais pass not yearly twelve thousand pounds . . . the commons of this land not enriched by their wool and wool-balls and other merchandises as they were wont to be . . . the soldiers of Calais and the Marches there not paid of their wages the town of Calais by default of reparation . . . likely to be destroyed"⁸. This complaint was renewed under Edward

¹ *Ibid.* Part. ii. 207 a. It was declared accordingly that the staple should be set up in England (*Ibid.* iii. 204 b), but apparently no steps were taken.

² *Ibid.* iii. 204 b; *Statutes*, i. 80.

³ *Ibid.* Part. iii. 211 b.

⁴ *Ibid.* iii. 211 a; *Statutes*, i. 78.

⁵ *Statutes*, ii. 113, 113, 124, 125, 126, 127, 128.

1290.

⁶ *Ibid.* iii. 204 b.

⁷ *Ibid.* Part. iii. 214 a.

⁸ *Statutes*, ii. 113, 113, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

It is and serves to show both the importance attached to the staple system and the difficulty of carrying it into operation.

The fixing of the staple at Calais was a landmark in English economic history; for two centuries it remained the chief centre of our overseas trade. The experiment of foreign staples had proved a failure; and the choice of Calais as a continental town under English rule and garrisoned by English troops were uncontested. Its strategic importance made its prosperity a matter of deep concern to England, and in fact its garrison was paid out of the custom-revenue. This arrangement was devised during the Wars of the Roses, after the soldiers had been unpaid for three years.¹ The establishment of a mint² where bullion was changed into coins of the realm served still further to increase the commercial significance of Calais, for it was a rooted principle of English policy to prevent the circulation of foreign money; and the staple system was always intended among its other functions to regulate the currency. It is also not unlikely that the presence of a staple at Calais restricted smuggling, for the Masters of the Calais Staple were expected to maintain a sharp watch upon the trade routes.³ The working of the staple system may be illustrated from the negotiations, which were carried on at Lille in 1498 between English envoys on one side and Flemish envoys on the other. The latter had serious ground for complaint in the conduct of trade by the wool-staplers, and the conditions of the agreement then drawn up afford an insight into the regulations by which the staple was governed in the fifteenth century. In the first place, provisions were made for the better recovery of debts, and English merchants were allowed to export bullion from Flanders. Secondly, the practice by which the English ordered their merchants to buy at Flemish fairs on the last day only, to compel the Flemings to sell their commodities at inferior prices, was now forbidden. On their part English traders objected that the Flemings carried appeals from their own courts to those of the French king.

Con-
tinental
significance
of Calais

The
working of
the staple
system

¹ *Summa de legibus* (1471, 1472), and 1476.

² *Rotulus, English Mint Accounts*, ii, 378, 380, 382.

³ A. L. Jackson, *The Staple of England* (1904), 24.

⁴ Adams and Hallam, *The King's Customs*, i, 36.

a system greatly to their disadvantage. The staplers also complained that wool was exported to Flanders without going through their hands or paying subsidy. The Pierings in their turn attacked the deceit in the packing of wool, and the false descriptions which were attached to it. A further grievance was raised that the English king sent fine wool to France, which did not pay subsidy or pass through the staple, and so the Flemish traders were not able to obtain good wool at cheap prices. Lastly, regulations were laid down as to the rates of exchange, a matter of vital consequence to both countries.¹

The merchants in whose hands the control of the staple was placed were known as the Merchant Staplers. From the outset they appear as an organized and privileged society of merchants under the rule of their own mayor and council. Originally they comprised the whole body of merchants engaged in foreign trade; and the terms "merchants of the staple" and "commonalty of the merchants" were interchangeable. In the Ordinances of 1323 the choice of the staple was left to the decision of "the mayor and commonalty of the merchants". Now in 1323 the "mayor of the merchants of the realm" was Richard Storey, and he is also spoken of as the "mayor of the wool-staple".² His successor, John de Charleton, is similarly styled alternately as "mayor of the merchants of the realm" and "mayor of the merchants of the staple".³ This proves that the organization of the Merchant Staplers with a mayor at their head was as old as the institution of the staple itself, and was already in Edward II.'s reign a public corporation⁴ armed with official sanction and powers of coercion. We can therefore scarcely identify the Company of Staplers with the officials

¹ *The City Papers*, ed. H. R. Luard (1901), pp. 100-107.

² *Close Rolls*, 1323-1325, p. 13.

³ *Ibid.* 1325-1327, pp. 106, 272, 416, 500.

⁴ The history of an organized body of merchants under the rule of a mayor can be traced back indeed to the reign of Edward I.; *ibid.* p. 412. On the other hand we can hardly speak of the Staplers as a corporation at the outset, even of the reign, as they were, for example, in 1320 "when they petitioned for their privileges to be confirmed" (*Med. Ages*, vi, 191-2). Thus in 1301 the election of the mayor of the staple was made by two of the richest burgesses from each town trading in wool, hides and wool-balls (*Close Rolls*, 1303-1305, p. 164).

of the customs. In later times merchants were often farmers of the customs: for example, in 1349, certain merchants "who have of the king the custom and subsidy for a certain annual sum" were charged with collecting two marks above the custom and subsidy for each sack of wool.¹ But in their origin the Merchant Staplers and the collectors of the custom-revenues were distinct. In 1323 Richard Story, "mayor of the wool-staple" and "mayor of the merchants, native and foreign, buyers of wool for export", obtained "writs of aid" from the king, addressed to the collectors of the custom on wool and wool-fells in different parts, that they should co-operate with him, whenever requisitioned to do so, in enforcing the Ordinance.² At this period the collectors were not under the control of the mayor of the staple, and it was necessary to seek their aid through the king's writ. On several occasions the Merchant Staplers were appointed to inquire into alleged malpractices on the part of those connected with the custom-revenues. In 1321 the "mayor of the staple" and others received a commission "touching alleged embezzlements and fraudulent offenses committed by the collectors of the custom on wool and wool-fells" in numerous specified places. It was said that the collectors of customs, "as well the present collectors as those who have been collectors from the date of the Statute of the Staple", that is, the year 1272, "and their controllers, have permitted divers merchants fraudulently to export wools and fells contrary to the king's prohibition, and have appropriated a great part of the money accruing from the half-mark on every sack of wool" and other dues; "that those who have held the office of the trunger in the same parts had taken money from divers merchants, natives and foreigners, to permit the passage out of the realm of their wool, some unweighed and some insufficiently weighed to the loss of the custom; that divers merchants . . . in other places in the said counties than those in which there is a cocket, have exported unweighed wools the custom being unpaid"³. The fact that "merchants of the staple" were

Extract from the petition of the Staplers

¹ *Ibid.* *Foot* n. 104 n.

² *Patent Rolls*, 1322-1323, pp. 25, 26.

³ *Ibid.* 1320-1321, pp. 226 (1320) 463 (1321); *ibid.* 1321-1322, p. 161, (1321).

at first none other than the general body of "merchants of the realm", together with the appointment of Merchant Staplers to examine into the financial shortcomings of the royal officials, seems to show conclusively that the two bodies were originally distinct.

and
English
merchants
and their
trade

It is often assumed that English foreign commerce was almost completely, if not altogether, in the hands of aliens, at any rate until the fourteenth century was far advanced. But there are grounds for believing that the extent to which English merchants carried on foreign trade, and competed with aliens in earlier times, has been greatly under-estimated. They were by no means excluded from the export trade, and they had a greater share in the beginnings of English commerce than is usually recognised. As early as Stephen's reign the men of Newcastle had their own ships, and one rich burgess engaged in trading ventures with his own merchant vessel.¹ In the thirteenth century English shippers traded to Norway, and a treaty of commercial intercourse was made (1261) between the two countries. "We, for our part", pronounced Henry III., "both now and hereafter shall be well contented that . . . the merchants and people of your dominions may freely and without hindrance resort unto our land, and our people and merchants may likewise have recourse unto your territories"². In the last year of his reign Henry granted licenses to merchants for the export of wool to all foreign parts except Flanders; and it is significant that while some were French, Italian and German, others were merchants of London, Shrewsbury, Lynn, Winchester, Bristol, Beverley and York³. In 1293 Edward I. renewed these licenses, and a large number of the recipients appear to be natives⁴. This bears out the statement made in the *Mandrel Rolls* that wool was exported by many merchants, *tan de regne Angliez quam de alius regniz*⁵. A few years later disputes arose between the traders of England and Flanders. The count of Flanders agreed to pay com-

¹ *Proceedings of the Antient-Franklin, Newcastle Guild*, i. 19-20.

² *Harleian MS. 12951*, i. 300.

³ *Mandrel Rolls, 1293-1294*, p. 182.

⁴ *Ibid.* 1293-1294, pp. 12-13, 21-22, 41-42, 43-44.

⁵ *Ibid.* 1294, i. 473. *Mandrel Rolls, 1295-1296*, p. 181—Commission to inquire into the export of wool by certain routes and through merchants.

petition to the merchants of England, Ireland and the Marches of Wales for the arrest of their goods in his territory, worth over ten thousand pounds, a very considerable sum for those days.¹ In the next reign sixteenth "merchants of the realm" loaded a ship with wool and other merchandise to the amount of twelve hundred pounds.² Edward's *Ordinance of the Staple* (1353) speaks of "as well natives as foreigners" engaged in foreign trade³; and there are traces of their activities not only in Flanders, but also in France⁴, Norway⁵ and Iceland⁶. Indeed, the occasional efforts of the government to restrict the enterprise of native shippers, in order to encourage alien merchants to appear in this country⁷, indicates that their competition was not regarded as insignificant. In 1364 native merchants were allowed to import wine from Gascony, the following year they were forbidden to do so. In 1366 the privilege was restored to them, and the reason advanced serves to show how important they had already become in this branch of the import trade. Complaints were made by the Black Prince that the customs levied on wine in Aquitaine had fallen off, "because that Englishmen do not come thence to buy wines as they were wont", and therefore a great part of the wines remained unsold⁸. The navigation policy of Richard II. afforded English merchants an opportunity of competing more successfully with their rivals in foreign trade, and in the next reign they were even entrusted for a period with the safeguard of the seas. Their history and progress can best be traced in the various steps which were taken to increase their importance and perfect their organisation.

Among the different groups of English merchants who carried native wares to foreign countries the most prominent

¹ *Patent Rolls*, 1281-1282, pp. 36, 37, 37^b.

² *Ibid.* 1312-1313, p. 242.

³ *Ibid.*, p. 221.

⁴ *Patent Rolls*, 1312-1313, p. 300.

⁵ *Records of 1367*, iv, 1, *Medieval*, i, 220-221 (1342).

⁶ Six English merchants at Norway, 1301-1302, p. 275 and 282a, p. 277.

⁷ The *Ordinance of the Staple* in 1353 includes orders to export wool, yet English merchants were exporting wool to Flanders in 1350 (*Patent*, p. 244).

In 1362 the prohibition was repeated. *Statutes*, ii, 75.

⁸ *Ibid.* i, 324 (1364), 326 (1365), 332 (1366). In 1342 English merchants complained that Flemish merchants monopolised the export trade in their own hands. *Est. Fin.* ii, 423 n.

were the Merchant Adventurers, who rose to great commercial importance. Originally they were known as the fraternity of St. Thomas of Canterbury¹; and at an early period they acquired a privileged position. They claimed that, as early as 1100, liberties were confirmed on English traders freely "to come and return to and from those parts" and to choose a governor, "with many other beneficial articles necessary for merchants to enjoy"². In 1296 a charter was granted to the English merchants of Antwerp by the duke of Brabant, and was supplemented by another charter in 1305. Together they show that "merchants of the realm of England" were organized under their own "mayor, captain or consul", and held an assembly and court³. The wording of the charters would seem to indicate that in their origin the Merchant Staplers and the Merchant Adventurers were one and the same body, comprising all "the merchants of the realm" engaged in overseas traffic. According to Wilscker, the secretary and historian of the Merchant Adventurers, Edward III confirmed the liberties granted by foreign rulers⁴; and in 1360, at any rate, they were an organized company under the rule of John Waleweyn, who is described as "governor of our merchants in Flanders"⁵. We meet with them again in 1407, when Henry IV. granted a charter to English merchants dwelling in Holland, Zealand, Brabant and Flanders⁶. But at first there were two other groups of Merchant Adventurers, each with its own sphere of influence, namely, Germany and Scandinavia. At the end of the

¹ Wheeler, *Treasure of Commerce*, 10.

² *Letters, English Merchants to the Duke of Brabant*, No. 124. Wheeler (op. cit. 10) gives the year 1191 as the date when they obtained privileges from the Duke of Brabant.

³ The charters are printed in H. Gresson, "Les chartes les plus anciennes relatives de 1296," in *Revue de la prosodie des études d'histoire de Belgique*, I (1901) pp. 141-146. In 1345 the Merchant Adventurers obtained a letter in their protection, an authentic copy of privileges granted unto the merchants of England by the duke of Brabant dated 1296 and 1305 (Schwan, II, 172-180, 179). There may be the charters of 1296 and 1305 and the difference in the date may be due to a slight misdate. Gresson refers to the charter of 1296 as his letter of 1305. "Rechts copy of their privileges granted as above, whereby the liberty of the new Hanse company will appear." *Act of State Papers, Brussels, 1305-1310*, p. 32.

⁴ Wheeler, op. cit. 10.

⁵ *Letters*, II, part I, 478, 220. At this date the staple was in England.

⁶ *Letters* (No. 101), vol. 464.

fourteenth century strife and dissensions were said to have arisen among English merchants dwelling in "Frisland, Scania, Sound and the Elbow", owing to lack of government and sound rule. Accordingly in 1391 Richard II. ratified the election of John Boleyn, a citizen of London, as their governor; and gave them license to choose an annual governor to settle disputes and deal justice among all who frequented those parts.¹ Henry IV. confirmed this charter in 1404², and in 1408 granted a similar charter to English merchants in Norway, Sweden and Denmark.³ In one sense the charters granted by Richard II. and his successors to these various bodies of Adventurers marked no new departure, for it has been shown that an organisation was already in existence among English traders in foreign lands. But they set the seal of public authority upon private associations, and strengthened their hands in coping with the intruders who sought to intrude their monopoly.

Henry VII., whom Wheeler catalogues as "the powerful, ^{the} political and rich prince", showed the Merchant Adventurers ^{special} favour and extended their privileges. They had supported him in the struggle with Burgundy⁴, and he rewarded them in 1505⁵ with a charter by which they were to appoint a governor and twenty-four "of the most wise, discreet and honest persons" as assessors or "assistants"; they were empowered to determine all civil suits and controversies and "look to the good ordering of the brethren of the company everywhere". This constitution established them as an organised corporation, and "so strengthened and enlarged the authority and privileges of the Fellowship that ever since the same hath flourished in great prosperity and wealth, and out of it . . . have sprung . . . almost all the principal merchants of this realm—at the least such companies, as have arisen since, have for the most part fetched their light, pattern, and form of policy and trade from the said society"⁶. The Merchant Adventurers were looking

¹ Rymer, vii. 693.

² Ibid. viii. 376. This is merely a repetition of Richard's charter.

³ Ibid. viii. 311.

⁴ Schöffer, *Englands Handelspolitik*, ii. 210. See also Wheeler, op. cit.

⁵ Wheeler, op. cit. p.

capitalists, they were engaged in foreign trade and left the internal trade of the country in the hands of the *quays companies*. "No person of this fellowship", ran an ordinance, shall "sell . . . by retail . . . nor shall keep open shop"¹. The government of the society appears to have been located not in London, but on the continent.² It has been stated that the *Mercers of London* formed the nucleus of the company³, but in any case the members were drawn from many towns: "The Company of the Merchant Adventurers consisteth of a great number of wealthy and well-experienced merchants dwelling in divers great cities, mayntie townes and other parts of the realm, to wit, London, York, Norwich, Exeter, Ipswich, Newcastle, Hull, etc. These men of old tyme linked and bound themselves together in company for the increase of merchandise and sea-fare, trading in cloth, Loney, and all other . . . commodities vendible abroad"⁴. At the end of the sixteenth century the Merchant Adventurers were said to number three thousand five hundred persons, "inhabiting London and many other cities and parts of the realm"⁵. The Merchant Adventurers of other towns were to all appearance distinct but affiliated bodies. The Merchants of Newcastle (1535) compensated with the London company for an annual sum of eight pounds in quitance of all charges from individual members⁶. The Merchant Venturers of Bristol were also organized in the sixteenth century (1567) as a separate company with their master and wardens. They obtained a charter from Edward VI (1554), which forbade "artificers and men of manual art" to engage in foreign trade "to the great scandal of the merchants"⁷.

The Merchant Adventurers constituted a regulated company, that is, membership was open to all who were

¹ W. R. Inge, "Merchant Adventurers of England", in *Trans. Royal Hist. Soc.*, N.S. vol. 22. In 1525 Cornhill comprised of the lay residence to the Merchant Adventurers by the statute who ought to occupy his retail only. *Cal. of State Papers Foreign, 1525-1526*, p. 186.

² Inge, *loc. cit.* p. 21-2.

³ *Orig. Hist. Merchant*, i. 191; J. C. Nichol, "Records of the Mercers' Company" in *Trans. and Hist. Soc.*, Dec. 19, 1901.

⁴ *Windsor*, 32.

⁵ *Memorial Merchant Adventurers*, ii. 2.

⁶ *Letters, Merchant Venturers of Bristol*, 16, 20, 21.

⁷ *Ibid.* 29.

willing to pay its administrative fees and expenses to its authority. Within its sphere of influence the company had a complete monopoly of trade, and no outsider or "interloper" was tolerated. This monopoly was backed by the authority of the English state. It was intended to develop "a well-ordered and ruled trade"¹ in which production was limited, prices were high and stable, and commodities were well-brought. This was the ideal of medieval commerce. The Merchant Staplers, for example, prided themselves on the fact that they had "kept and maintained the prices of the said commodity [wool] in utterance thereof to the strangers as much as in them hath lain."² Again, the Merchant Adventurers declined credit on the ground that they did "keep up the price of our commodities abroad by avoiding an overplus of our commodities wherinto they trade whereas contrariwise when trade is free, many wares will make were cheap and of less estimation."³ The system of chartered companies had certain definite advantages. It gave to merchants in the pursuit of their trade a recognized status as the members of a wealthy and powerful company, able to maintain its privileges and to resist oppression. It prevented excessive competition among traders, which flooded the market with commodities and lowered prices to the benefit of foreign buyers. Merchants abroad were forbidden to sell or buy secretly, and their transactions were conducted in the presence of brokers, who were to make a report to the governor and so prevent strife or disputes arising among them. It was also the duty of the governor to demand evidence from traders that they had paid custom duty on English exports.⁴ At the same time the regulated company afforded the government an instrument by which it could direct trade into the proper channels, and advance the interests of the state as they were then understood. Its great drawback was that it retarded the

¹ "Wherby weare the Princes to be ruled: "the commodities arising by a well-ordered and ruled trade."

² *Journal: English Merchants' Guild*, no. 524, ff. 170-1.

³ *The Journals of the House of Commons*, i, 222.

⁴ *Statute* (ed. 1583) II, 133; Edward VI, 1. Statute on English wool exports to the Netherlands (1464).

monopoly of trade, it curtailed competition and checked enterprise. It is commonly said in its defence that the market was limited, and the demand for commodities fairly stable. In so far as this was the case, the evil was not perhaps unduly great, but it is difficult to determine how far opportunities for individual enterprise and initiative were restricted to the real detriment of the overseas trade. The members of the chartered company were the interlopers who were outside their fellowship, but "intermediated" with their trade. They appealed to the traditional "Englishman's liberty"¹ and defied the Adventurers' monopoly. Their activities were most marked in the seventeenth century, but they were already in existence in the sixteenth. The Merchant Adventurers were able to rely upon the support of the government, and we obtain interesting glimpses of the interloper in an Order in Council in 1590. It stated: "Truly and well-beloved, we greet you well, and being informed that divers persons, not free of that your Company nor brought up in trade of merchandise, do not only impeach your trade as well by unskilled and disorderly occupying, as also by violating such your privileges by great travail and charge of our progenitors' grant obtained and granted: And amongst others, that one, Thomas Cleeve, doth without order or authority intermeddle with trade of merchandise in the Low Countries of Holland, Zealand, Brabant and Flanders, and some the like doth stubbornly and obstinately refuse to shew such orders as others of your Company do, and also doth attempt to call said privileges in question by the law there. We, regarding the preservation of good orders and the maintenance of that your Company, do will and command ye that by virtue of these said Letters ye do in our name command the said Thomas to surrender his suit there, and stand to shew and obey such your orders as is amongst ye provided for such offenders. And our farther will and pleasure is that, if at any time hereafter any person not free of that Company do attempt to traffic into the said

¹ The phrase occurs in the statute of 1597 (Statute, i. 494). But as the economic system the traditional liberty of Englishmen was largely a medieval myth.

Let Countries or its breed, or violate your privileges and good orders, take ye do likewise by virtue of these our Letters committed in our name all and any such person and persons to appear before ye, and to stand to abide and obey all such good orders and admonitions as by ye have been made and ordained. And if either the said Clocher or any other disguised person do refuse to accomplish the content of these our Letters, that then ye do command him or them in our name to appear before our Privy Council, and that ye do advertise our said Council thereof with particulars of his or their offence or misdemeanour, to the intent we may take such order with him as may be to the example of any attempting the like, and the preservation of your privileges and good orders which we mind by all means to maintain."¹

There was theoretically a well-defined distinction between the regulated and the joint-stock company; the former was open to all, and each individual traded on his own, the latter was confined to a few who traded as a corporate body. But in practice the distinction tended to disappear, for the regulated company was always liable to become a monopoly in the real and exclusive sense of the term. The Merchant Adventurers outside London complained that at one time they had traded freely with foreign countries, Spain, Portugal, France, Italy and the Netherlands; but now the London company imposed a fine of twenty pounds, and so drove provincial merchants from foreign markets. Henry VII, despite the favour which he showed to the Merchant Adventurers, was not prepared to tolerate an unfair discrimination against his own subjects, and the admission fees were lowered to two marks, one-third of the amount.²

In order to establish their supremacy in English foreign trade, the Merchant Adventurers had first to overcome the competition of those who were already in the field. The two great commercial rivals with whom they were drawn into conflict were the Merchant Staplers and the Hanseatic League. This struggle among the trading capitalists must

*History of
England and
great and
traders*

*The
competition
of the
Merchant
Adventurers
with the
Staplers*

¹ Printed in the Appendix to *Actes and Monies, King's Councils*,

² *Journal of the Society of the Friends of the City of London*, 1891, p. 101.

be carefully distinguished from the struggle of which we have already spoken: between the trading capitalists on the one hand and the industrial capitalists on the other. (2) The Merchant Adventurers were exporters of cloth just as the Merchant Staplers were the chief exporters of wool, and they tried to force Staplers, who shipped abroad woollen cloth, to join their company and pay the admission fine of ten marks. The Staplers, however, claimed that they ought not to pay admission fines for the right to trade in cloth, on the ground that cloth was staple merchandise and had been exported by them as far back as the reign of Richard II.¹ The Merchant Adventurers replied that the privilege of the Staplers was confined to Calais, and that they had no privilege in the Low Countries.² They also denied that cloth was staple merchandise "cloths at any time", they contended, "were not privileged to the Staplers"—only wool and wool-fells; and the Staplers had failed to show that they had ever exported cloth to Flanders itself.³ They added that on their part they were willing sagelyngly to pay the admission fine of a hundred marks each to the Staplers, if they "occupied the first" of a Merchant of the Staple, and they expected similar conduct on the part of their rivals.⁴ Henry VI. supported the Staplers,⁵ but under the Tudors the Merchant Adventurers pressed their claims with implacable obstinacy. They were resolved to keep the cloth trade in their own hands, and eventually (1524) a Star-Chamber decree ordered Staplers who concerned the occupation of the Merchant Adventurers, to submit to their authority, and similarly in the reverse case.⁶ This was intended to mean that the Staplers should pay to the Merchant Adventurers the ordinary duties levied on cloth, but under colour of this decision the latter insisted that their rivals must enter their company.⁷ The king intervened, but they refused to enforce their demands and imprisoned those who resisted their authority, and attacked their goods.⁸

¹ Schena, *English Merchant-Adventurers*, p. 278. No. 121 (1382).

² *Ibid.* n. 124. No. 125 (1387) *ibid.* 1582.

³ *Ibid.* n. 126-127. No. 133.

⁴ *Ibid.* n. 128. 129. 129.

⁵ *Ibid.* n. 129. No. 130.

⁶ *Ibid.* n. 305. No. 123 (1524); 328. No. 124; 329. No. 127.

⁷ *Ibid.* n. 207-208. No. 126 (1525).

⁸ *Ibid.* n. 324. No. 126 (1525).

The prosperity of the Staplers had greatly declined, and they were no longer in a position to offer adequate resistance to their younger and more vigorous rivals. Time had been when they had advanced large sums of money to the king¹, but in a petition to Henry (c. 1327) they said that their numbers were fallen from four hundred shipmen to one hundred and forty. They were affected by Henry's wars, for when the French were wont to purchase two thousand sacks of wool, now they did not buy one-fifth; and Flanders was using larger quantities of Spanish wool.² A contemporary writer also voiced the belief that Edward III.'s gift of native sheep to Spain had been detrimental to the realm.³ In any case English wool was largely taken up by native clothiers, and the Staplers recognized that the home industry had the prior claim.

(3) The Hanseatic League was a more formidable rival than the Merchant-Staplers, whose power had already passed its meridian, and here the struggle to wean English trade out of their hands was fiercer and more prolonged. In 1297 the Commons complained that the Easterlings ill-treated native merchants who travelled from year to year to "parts of the Scanes" to purchase herring, and they demanded that the Easterlings should treat merchants in their own dominions as they were treated here.⁴ A few years later (1308) the Hanseatic League addressed a letter to the city of London, stating that their merchants had been deprived of their accustomed privileges in England and were molested by London citizens; in default of redress they threatened to withdraw from this country. The city replied that the privileges of the Hanse were suspended by order of parliament on account of the injuries inflicted on the king's subjects abroad.⁵ They only resumed their privileges when they promised to abstain from ill-treating English traders on the continent.⁶ The terms of the agreement drawn up in 1300

(2) *The
Hanseatic
League*

¹ For Staplers' loans see Jordan, *English People* no. 12, p. 1. Sanderson, *Golden Age of English Trade*, 27-28. *Abstract Social England*, 92.

² Jordan, *English People* Miscellaneous no. 102, 103, 104.

³ *English Chronicle* (London 12), *Chronicon*, *Annals* 7, 330.

⁴ *Ibid.* 12, 326-7.

⁵ *Letter Engl. Al.*, 101.

⁶ *Ibid.* 12, 327-8.

provided that English merchants should enjoy freedom of traffic in Prussia and German merchants in England.¹ "All lawful merchants of England whosoever shall have licence and authority with all kinds of ships, goods and merchandises to resort unto every port of the land of Prussia, and also to transport all such goods and merchandises up farther unto any other place in the land of Prussia, and there with all kinds of persons freely to bargain and make sale, as heretofore it hath from ancient times been accustomed. Which privilege is granted in all things and by all circumstances unto the Prussians in England."² But almost immediately the agreement was broken, and strife was renewed by both parties. English cruisers captured ships owned by Hanseatic traders, who by way of reprisal seized English vessels trading in the Baltic.³ The League also complained that, whereas they ought to trade wholesale both with burghers and aliens, they were prohibited from dealing with non-burghers, and were not allowed to have their own houses, while they were also burdened with increased customs.⁴ On their side the English complained that they were excluded from the Hanseatic dominions, and that the League took hostile measures against them in Norway and Sweden.⁵ Under Henry IV. there were long-drawn-out negotiations in which the League treated with the king as one sovereign power with another. After a short-lived compact concluded in the first year of the reign,⁶ peace was eventually patched up in 1404.⁷ The hostility of the Merchant Adventurers and the League was not, however, at an end. In 1435 English merchants were expelled from Prussia, and vainly clamoured that the Eastangers should receive similar treatment in England.⁸ In 1442 they renewed the complaint that they were disturbed in their trade, and on this occasion the government threatened to deprive the Hansards of their privileges if they refused redress.⁹ Events-

¹ Halliwell (ed. 1890), c. 14-15.

² *Ibid.* 1503-4, *Conts.*, 5th Reg. App. 221.

³ *Ibid.* c. 30.

⁴ Halliwell, c. 21.

⁵ *Bynne* (2^d ed.) vol. 116.

⁶ For an account of these negotiations, see Halliwell, c. 23-24 and *Ann. MSS. Comm.*, 5th Reg. App. 142.

⁷ *Ibid.* *Foot* 17-18; 21, the reply was, *De nulli condono*.

⁸ *Ibid.* 17-18, 21.

sly in 1468 the struggle continued in open war and the suspension of commercial intercourse. But in 1473 Edward IV., whom the League had assisted to recover his crown, restored all these privileges on condition that active merchants were allowed to repair freely to their dominions and have full rights of trade.¹ They do not appear, however, to have returned to Boston, for when Leland visited it he found that "the stockyard houses yet there remain, but the stockyard is little or nothing at all occupied." According to his account: "The Easterlings kept a great house and course of merchandise at Boston until such time that one Humphrey Litchbery, merchant of Boston, did tell one of the Easterlings there about Edward IV.'s days; whereupon rose much controversy: so that at the last the Easterlings left their course of merchandise at Boston, and since the town was decayed."² The Treaty of Utrecht, as it was termed, postponed the triumph of the Merchant Adventurers for a century. The Hansards did not fulfil the conditions imposed upon them, and Henry VII. failed to destroy their monopoly.³ Under Edward VI. (1553) their privileges were seized into the king's hands, and the measure adopted by the government for their action in suspending the Hanseatic monopoly served to indicate the nature of the offences with which they were charged: (1) The privileges of the stockyard extended to no certain persons or towns, and the Hansards admitted to their freedom whom they list, to the annual loss to the customs of nearly twenty thousand pounds; (2) they coloured foreign goods; (3) they denied liberties to English merchants by prohibiting them from buying or selling in their dominions, contrary to the treaty of respectivity under Edward IV.; (4) their privileges were at first beneficial to the merchants without inflicting injury upon the realm, but were now proven prejudicial to the state.⁴ Mary at once

¹ *Ibid.* *Paul* vi. 42, n. The English ambassadors were instructed to insist on restoration of commercial privileges. *Selected English Manuscripts*, ii. 36, No. 40.

² *Traveller*, vi. 104, 105. See also the real peace with the Hansards. *Ibid.* Boston vii. 40. increased the breach of commercial relations between the League and England.

³ *Cal. of State Papers Foreign*, 1547-1548, p. 109. The loss of their privileges "much grieved the merchants." *Selected Cases in the Court of Admiralty*, 209, n.

restored the staple to its former rights, but in the reign of Elizabeth, after making a last effort to drive the Merchant Adventurers from Germany on the ground that their monopoly conflicted with the laws of the Empire,¹ it finally lost its privileged position. The Merchant Adventurers had at length emerged from the long contest unscathed, and they are said to have displayed their power by delaying the sailing of the Armada for a year.²

The victory of the Merchant Adventurers is often represented in the light of a national triumph. But we must avoid the error of confusing the interests of a privileged mercantile body with those of the nation at large. In 1803 a bill was introduced into the House of Commons, which was designed to throw open the trade of the country to all merchants. The arguments by which the promoters of the bill supported their measure "for the enlargement of trade", were in fact to assume that the monopoly enjoyed by the chartered companies was necessarily advantageous to the development of English commerce. "All free subjects are born inheritable . . . to the free exercise of their industry", and "it is against the natural right and liberty of the subjects of England to restrain it into the hands of some few as now it is, for although there may be now some five or six thousand persons, counting children and postives, free of the several companies of the merchants in the whole, yet apparent it is that the governors of these companies by their monopolizing orders have so handled the matter, as that the mass of the whole trade of all the realm is in the hands of some two hundred persons at the most, the rest serving for a show only and reaping small benefit". The commercial monopoly of the Merchant Adventurers was also held to be detrimental to the progress of English industry, and the charges levelled against the company in 1550 and 1586³ were repeated in 1803. "The clotheers having no utterance of their cloth but to the Merchant Adventurers, they by compact among themselves will buy at what price, what quantity and what piece, themselves

*See reply
of the
Merchant
Adventurers
there.*

¹ *Trans. Royal Hist. Soc. N.S. vii. 26.*

² *Ibid.*, p. 498.

³ *Ibid.* 39.

let, whereby the clothiers are less often to return with less to lay their cloths to pawn, to slack their trade—to the utter ruin of their poor workmen, with their wives and children". The attack upon the chartered companies was not, as it sometimes thought, inspired by jealousy of the city of London—"unless we will confine London unto some two hundred men's purvey". On the contrary, the plea for free trade was intended to secure "the more equal distribution of the wealth of the land", for this, it was added, "is a great stability and strength to the realm".¹

The expansion of English trade in the fifteenth century is reflected not only in numerous statutes, but in the writings of contemporaries. A national policy was gradually formulated, and though at first vague in outline and unstable in its tenderness, it ultimately acquired precision and definiteness. The author of the *Labell of English Polycie*² advanced the bold claim that England should control the commerce of the world, displaying an intimate knowledge of commercial affairs, his cardinal doctrine is that England's command of the Straits of Dover enabled her to dominate the commercial routes of western Europe. The Emperor Sigismund upon his visit to England had urged upon Henry V. the value of Dover and Calais, exhorting him to guard them "as your veryne eyes to keep the narrow sea". The importance of the Straits lay in the fact that Flanders was the staple of all "the nations of Christendom". The trade of Spain, Portugal, Scotland and Brittany centred in its great cosmopolitan ports, and therefore all the carrying trade of these countries "must needs pass by our English coast . . . betwixt Dover and Calais". This placed them in our power, and gave us a formidable instrument to employ in our diplomatic relations. Moreover, since "the wool of England susteineth the commerce" of Flanders we were in a position to ruin the Flemish manufactures. Thus the whole world must necessarily seek our friendship and goodwill. The *Labell* accordingly reiterates the contention that

the cause
of English
polycie

¹ *The Journals of the House of Commons*, i. 205 seq.

² Printed in *Political Papers and Songs*, ed. T. Wright (Roll Series), vol. ii., and in *Middlesex*, Folger (ed. 1902), p. 312 seq.

the aim of our policy should be, to make ourselves "ready, to
of the danger sea . . . that is the wall of England."

"For if this can be kept in time of war

Who can here pass without danger and wear?"

But England, we are told, was neglecting her opportunities
by allowing her navy to fall into decay. Edgar had built
a fleet of ships "not few but many a score", and in the days
of Edward III. there was

" . . . no navy in the sea

That might withstand of his majesty."

Henry V. again had built three great ships, the *Tidour*, the
Green-Blas and the *Italy Ghost*. But new conditions were
changed, and for the ship represented on English coins our
creases in division were bidding us "set a sleep."

As
proofs
of Italian
trade.

The writer devotes special attention to England's
commercial relations with the great Italian cities. He
praises the Genoese because they brought us useful
commodities—wood, oil, cotton, gold, cloths of gold, silk
and black pepper—while they took from us our wool and
woollen cloth. But the trade of Venice and Florence is
bitterly condemned; it was regarded as an intolerable evil
that we should exchange our valuable commodities for
extravagant trifles.

"The great galleys of Venice and Florence

Be well laden with things of complacency,

All spicery and of grocer's ware,

With sweet wines, all manner of chaffare (merchandise),

Apes and apes (saffron) and marmosettes (monkeys)
tallied,

Nails (nackels), which that birds have availed

And things with which they leily (deceitfully) blind our eyes

With things not enduring that we buy

For much of this chaffare that is worthless

Might be forbore for [us] dear and desirable

That these galleys for the liking were

And being were, bear him our best chaffare,

Cloth, wool and tin, which as I said before,

Out of this land worst might be forbore

For each other land of account,
Have great need to buy some of the three
And we must of them take this count
Ware and chaffare that lightly [quilly] will be lost¹.

Even in the sixteenth century it was the ground of complaint that merchants brought in "strange merchandize and artificiall brevities"². The *Lidell* also insists that the carrying trade should be in English hands, and sought to restrict the duration of foreign merchants in England to a period of forty days.

"Not would God that, without longer delays
These galleys were untraught in XL days,
And in those XL days charged again;
And that they might be put to certain
To go to best as we there with them do".

Another work, *On England's Commercial Policy*³, was composed some half century later than the *Lidell of English Policy*, from which it freely borrowed many of its sentiments. It is valuable for its allusions to the condition of the working classes, to which attention has already been drawn⁴. In contrast with the *Lidell* the writer is at pains to show how England was in a position to exercise supremacy over all other countries, though his contention is based not on the ground of our strategic position, but on our industrial resources. No country was able to dispense with English commodities, wool and cloth, and this gave us a hold by which "we might rule and govern all Christian Kings". He expanded further that we should sell our wares dear. The writers of both poems in fact were essentially mercantilist in their standpoint. They appear to have taken the view that foreign countries by obtaining our commodities enriched themselves at our expense; it was reserved for a later age to recognise that in a free exchange both parties to the contract may equally benefit. They were anxious, therefore, that England should not part too easily with her commodities either by exchanging them for mere trifles, "things of complaisance", or by selling them too cheaply.

*On
England's
Com-
mercial
Policy*

¹ *Ibid.*, first edition, *Distichs*, 37.

² *Political Papers and Songs*, vol. II.

³ *Ibid.*, p. 412.

The
current
opinion of
Henry
VII.

At the end of the fifteenth century a new epoch in the history of English commerce opened up with the reign of Henry VII. Henry was the first of the line of modern statesmen, and his significance lies especially in the fact that he seems to have recognised clearly the utility of the old schemes of aggrandisement on the continent. His time was turned westward, and his encouragement of voyages of discovery revealed to England her true destiny and helped to place her upon the path along which she has since moved. The pioneer of geographical discoveries was John Cabot, who was the first to set foot on the mainland of North America¹. Henry's care for foreign commerce is seen especially in the numerous mercantile treaties which he concluded with the different states of Europe. His commercial activities fairly embraced the whole continent. He made a compact with Ferdinand and Isabella, by which the subjects of either country were at liberty to trade in the other country and to receive the same treatment as the natives². He carried out agreements with the Empire³, France⁴ and Friesland⁵, which conferred trading privileges upon English merchants; but most important of all were the treaties between England and the Netherlands. The latter was the chief market for English produce, and it was of the utmost consequence to establish the relations between the two countries on a satisfactory basis. The *Magna Intercursus* (1496) restored commercial intercourse after it had been suspended for a considerable time. Henry, irritated at Burgundy's support of Perkin Warbeck, and in order to force the archduke's hand, had banished Flemings from his dominions, ordering the Merchant Adventurers to leave Antwerp and removing the mart of English cloth to Calais⁶. The Merchant Adventurers rallied loyally to the king's side, and "being a strong company (at that

§ 1
Relations
with the
Nether-
lands.

¹ There appear to have been three Cabot voyages, the first two under John Cabot, and the third under Sebastian his son. For a discussion as to the year J. A. Williamson, *Maritime Discoveries* (1912), viij, cf. p. xviii.

² *Empire* (15, 16) no. cii (1491), and no. xii (1492).

³ *Ibid.* (15, 16) no. cii (1491). ⁴ *Ibid.* no. xii (1492). ⁵ *Ibid.* no. cii (1491).

⁶ *Ibid.* (15, 16) no. cii. A proclamation in 1493 forbade all trade between England and the Low Countries—*Calendar, Trade and Shipp, Preliminary*, A. 2, 86, 13.

ting) and well understood with rich men and good order, did hold out heavily; taking off the commodities of the English, though they had died upon their hands for want of vent"¹. The Capres Intermarium secured a free market for the sale of English cloth, which was no longer to be excluded from the Netherlands (except Flanders); it also stipulated that only the customary duties should be imposed, and obtained the removal of the new expenses placed on English cloth². The English merchants, says Bacon, "came down to their numbers at Antwerp where they were received with procession and great joy"³. In 1599 another treaty removed all existing duties on cloth and allowed it to be sold anywhere within the dominions of Burgundy (except Flanders) and not merely at Bruges and Antwerp⁴. Finally, in 1606, the States Intermarium crowned Henry's efforts to establish complete freedom of trade by enabling English merchants to sell cloth in the Low Countries retail and not only wholesale, and even to sell cloth in Flanders, although heretofore was to be wholesale⁵. But the next year Philip of Burgundy died, and the Regent's refusal to ratify the treaty compelled a fresh agreement in which the conversion of retail trading was withdrawn, though the other privileges remained intact.

Henry's relations with the Netherlands showed his anxiety to advance the commercial interests of his country and find an outlet for the cloth manufacture. The same principles of conduct influenced his dealings with the Hansards and the Venetians. At the outset, indeed, Henry did not enjoy a free hand: the great dominating factor of his reign was the insecurity of his throne which compelled him to pursue a makeshift policy. His leading idea was to prevent foreign courts from lending encouragement to pretensions, and he showed them an open bench with the powerful Hanseatic League, which had already assisted one claimant to obtain the English throne and might easily be

as
Antwerp
and the
Netherlands

¹ Bacon, Works, vi. 479.

² Rymer, ix. 491. Proclamation of peace. *Treaty and Secret Proclamations*, i. 21 Nov. 1599.

³ Bacon, vi. 491.

⁴ Rymer, ix. 506. *Treaty and Secret Proclamations*, i. 2, 26, 31.

⁵ Rymer, xix. 121.

induced to assist another. But though compelled to confirm their privileges, he showed none the less clearly the trend of his inclinations and harassed them in diverse ways. In order to break down their exclusive monopoly he entered into compacts with Denmark (1483) and Riga (1498). The former welcomed an alliance against the common foe and admitted English merchants on advantageous terms, conferring upon them full trading rights in Denmark and Iceland¹. A generation earlier (1430) Copenhagen, the merchant prince of the North, and other traders had been allowed to share in the trade with Iceland². The treaty with Riga (1498) was a virtual attempt to detach it from the League, but the latter resented its control and foiled Henry's efforts to make a breach in its monopoly³. There were difficulties raised on both sides; Henry's commissioners articulated their grievance that Englishmen were denied reciprocal rights in the Hanseatic dominions in spite of the Treaty of Utrecht;⁴ the Hansards complained of their injuries in England, "which they would fain have written with a pen of iron on a hard flint-stone that they might never more forget it"⁵. But later a new success confronted Henry in the pretensions of the earl of Suffolk, and once again the claims of dynasty proved paramount. He abandoned his hostility to the League and restored it to complete favour. A statute of 1504 provided that no acts relating to merchants or merchandise should extend "to the prejudice, hurt or charge of the said merchants of the Hanse contrary to their ancient liberties, privileges, and free usages and customs of old time granted to" them⁶, and the League maintained its position throughout the reign of Henry VIII.

Henry not only sought to gain a firmer footing for Englishmen in the Baltic, his enterprise also made itself felt in other directions. English merchants had already begun to participate in the trade of northern Europe, and to frequent the ports of the Mediterranean with their

¹ *Yorkist ed.* 116.

² *Ibid.* at 173, 177.

³ *Ibid.* 116, 120.

⁴ *Statutes of the Realm* (Hansard ed.) 11, 121, No. 32 (1498).

⁵ W. Bush, *England under the Tudors* (1895), i. 124.

⁶ *Statutes*, 11, 125.

ships. They had petitioned Henry IV. (1401) to allow them to send wool and other merchandise through the Straits of Gibraltar¹, and in 1429 special licence for this purpose had been extended to John Taverner, a merchant of Hull.² Henry (1488) appointed a consul at Pisa, who was to determine all suits and controversies and to receive the fourth part of one denar for every hundred denars' worth of English goods carried thither³. In this direction he was only following in the steps of Richard III., who had made Lorenzo Sestini, a Florentine, English consul at Pisa⁴. In the opening years of the sixteenth century, "divers tall ships of London . . . with certain other ships of Southampton and Bristol had an ordinary and usual trade to Sicily, Candia, Ciois and somewhat in Cyprus", and also to Tripoli and Syria. They carried cloth and brought back silks, shroberis, malwaie and other wines, sweet oile, cotton-wool and spices: "all which particulars", says Hakluyt, "do most evidently appear out of certain ancient ledger-books" of London merchants⁵. The progress of English trade in the Mediterranean was marked in the next reign by the appointment of a consul at Sejo⁶ in 1523, and at Candia⁷ in 1530. The great rival of English traders in the South was Venice, whose supremacy in the Mediterranean answered to the Hanseatic domination in the Baltic. In order to protect their monopoly, the Venetians (1488) laid an extra duty of four gold denars upon malwaie wine exported from Candia by English shippers. This would have ruined the English wine trade in Candia, and Henry, alive to the danger, took active steps to meet the challenge. A proposal was made to establish an English wool-staple at Pisa as a centre of Italian trade in competition with Venice, which was to receive no wool beyond six hundred sacks⁸. In these negotiations with Venice, Pisa was assigned the part that Denmark and Riga had played in Henry's relations with the Hanseatic League. The plan originated with Florence which controlled Pisa, and it fit once concluded

¹ *Ibid.* *fact.* vi. 116-17.

² *Ibid.* *ann.* 1429.

³ Hakluyt *post.* 1598, i. 10.

⁴ *Ibid.* *ann.* 1488.

⁵ *Idem.* *op. cit.*

⁶ *Ibid.* vi. 170-171, 172.

⁷ *Idem.* *ann.* 1530.

⁸ *Ibid.* *ann.* 1523, *post.* 1523.

the apprehensions of France, whose great rival Florence was at this time. If Venetian merchants were forbidden to export wool by sea from this country, they said, they would have no motive for visiting these shores and the Flemish Calveys would cease to bring spices and wines and other commodities, since England prohibited the export of gold and silver abroad. It meant, in fact, an end to all commercial intercourse between England and Venice.¹ None the less the attitude of Venice remained unchanged, and Henry was driven to other measures of retaliation. The act of 1522 ordered the importation of malmsy wine to pay eighteen shillings per butt increased duty, and the price of wine was fixed at four pounds the butt in order that the additional duty should not fall upon the consumer in this country.² This measure seems to have attained its end, and Venice was compelled to moderate her tariff.

12. *Navigation Act*

Another feature of Henry's commercial policy was his maintenance of the navy. The Tudors recognized the importance of the navy on grounds set forth in the act of 1534: "The navy of this realm in times past hath been and yet is very profitable, requisite, necessary and commodious as well for the intercourse and converse of merchants transporting and conveying their wares and merchandise as is above said, and a great defence and safety of this realm in time of war as well to offend as defend, and also the maintenance of many masters, mariners and seamen, making them expert and cunning in the art and science of shipping and sailing, and they, their wives and children, have had their bread of and by the same, and also hath been the chief maintenance and sustentation of the cities, towns, villages, hamlets and coasts, near adjoining unto the sea coasts, and the king's subjects, sailors, brewers, butchers, smiths, ropers, shipwrights, sailors, shoemakers and other handicrafts and handicraftsmen inhabiting and dwelling near unto the said coasts have also had by the same a great part of their living."³ In the very first year of Henry VII's reign an old law passed, the preamble of which lamented

¹ *Parliament State Papers*, i, 129-130. Note, 341, 342.

² *Ibid.* ii, 222.

³ *Ibid.* vi, 340.

"the great diminishing and decay that hath bene seen of late time of the navy", and it enacted that wines of Calais and Gascony should be imported only in English, Irish or Welsh ships.¹ Three years later it was added that the masters and mariners must be English subjects.² Bacon is commenting upon these acts praises Henry for "bowing the ancient policy of this realm from consideration of plenty to consideration of power: for that almost all the ancient statutes made (by all means) merchant strangers to bring in all sorts of commodities, having for end cheapness, and not looking to the point of state concerning the naval power".³ But the long line of Navigation Acts, which culminated in the famous acts of the Commonwealth and the Restoration, can be traced far beyond the reign of Henry VII.; the first⁴ belongs to the reign of Richard II. (1380). As early as 1331 the decay of the navy was made the ground of complaint, and the Commons affirmed the principal causes to be: (1) that ships were arrested on the king's behalf long before they were needed for service, and during the period of waiting the owners had to bear the charges at their own cost both of the mariners and all appurtenances, without making any profit in the meantime to their undoing; (2) that merchants, the "neighbours of the navy" were often restrained by ordinances from their voyages and other affairs, whereby mariners were driven to seek other trades and livings; (3) the masters of the king's ships under pretext of their office made masters of other ships serve them, by which most of the ships lay still and the mariners were forced to take up new occupations.⁵ These complaints led to the act of 1381, which sought "to increase the navy of England which is now greatly diminished". It enacted that "none of the king's large people do from henceforth ship any merchandise in going out or coming within the realm of England, in any port, but only in ships of the king's barges".⁶ But the following year the proviso was added that the act was only to be valid, provided there were native ships "able and sufficient" for undertake the carrying

*See passage
in the
Chron. of
1331.*

*Alleged
reason.*

¹ Statute 2, 300.

² Ibid. = 300.

³ Bacon, *op. cit.*

⁴ *Maritime Acts of Congress*, p. 360.

⁵ *Ibid.* Part II, 207-8.

⁶ Statute, 27 *et seq.*

trade¹; and the result must have been largely to frustrate the aim of Richard's measure. Henry IV. took other steps in an Ordinance of 1406, by which the safeguard of the sea was entrusted to English merchants themselves. It was agreed that they should furnish for part of the fleet, two thousand men-at-arms and archers, and for the other part a thousand men, sometimes more and sometimes less, at need, and also a sufficient number of mariners to man the ships. In return they were to receive (in response for every port of merchandise, three shillings for every ton of wine, the fourth part of the subsidy of wool granted in the last parliament, and all prices they might take. They were to nominate two admirals, one for the south and the other for the north². Shortly afterwards, however, the king at their request granted the merchants their discharge from the safeguard of the sea³. Subsequently (1434) "the safeguard and keeping of the sea" was entrusted to five lords⁴, but they were discharged from the task the following year⁵, and two years later Warwick the King-maker was appointed for the purpose⁶. The navigation policy of earlier reigns—intermittent as it was—was continued, normally at any rate⁷, under the first two Tudors. We have already dealt with the acts of 1483 and 1485, and their subsequent history can be briefly outlined. They were confirmed by Henry VIII. in 1512 and 1522, but partly repealed by Edward VI. (1547) on the ground that their chief result was to increase the price of wine without in any way benefiting the navy. At length Elizabeth abandoned the navigation policy, recognising that laws forbidding the employment of foreign ships caused retaliatory measures to be adopted in other countries⁸.

¹ *Statutes*, ii. 21. In 1399 it was added that native shippers must "take reasonable price" *ibid.* ii. 22.

² *Ibid.* Part iii. 274b. The last article is given inaccurately in *Corbett, Naval Administration of the fifteenth cent.* ³ *Ibid.* Part iii. 287 a.

⁴ *Ibid.* 274a, b. ⁵ *Ibid.* v. 275a. ⁶ *Patent Rolls 1434-1435* (p. 113).

⁷ Williamson (*Maritime Enterprise*, 1902) holds that the "provisions [of the act of 1485] cannot be overestimated. It stimulated such operations for many ships early years . . . producing a markedly revival." But the view seems disproved (a.) by the grants of licenses allowing the use of foreign ships (b.) by the passage in the act of 1522 which declares that the navigation laws had been disregarded.

⁸ *Statutes* in. 324 (1534), 326 (1547), vi. 264a, 264 (1567), 272 (1570).

CHAPTER XI

REVENUE AND EXCHEQUER

THE central department of finance in England was known as the Exchequer, and an account of its administration in the twelfth century is contained in the *Dialogus de Scaccario*, written by Richard, Bishop of London, great-nephew of Roger of Salisbury. In its finished shape it consisted of two separate portions, each with its own staff, and a distinction must therefore be drawn between the Lower Exchequer called the Treasury of Receipt, and the Upper Exchequer or court of account. The Treasury of Receipt constituted the office where the money was paid and stored. At its head were naturally the treasurer and chamberlains, but the actual work was performed by their deputies. The clerk of the treasurer kept official records of receipts, and two knights, representing the chamberlains, supervised the tallies. Different functions were also assigned to the *peser*¹ who weighed the silver pennies, the four tellers who counted them and the minter who made the money. The Upper Exchequer, which audited and controlled the accounts, consisted of the great officers of the king's household who were known as the barons of Exchequer, though they did not always make an appearance in person but could act by deputy. The *justiciar*, who represented the king, presided over the court and dispensed the patronage. The *chancellor* embodied the equitable jurisdiction of the king's court and sealed the writs². The treasurer was burdened with the chief responsibility: he received the sheriff's accounts and dictated the entries on the pipe-rolls. Other officials con-

¹ *Waler. Exchequer*, 107.

² H. Hall, *Introduction to the Pipe Roll*, in *Pipe Roll Soc. Recs.* 1883, no. 31.

cerned in the proceedings of the court, and with 1200 places assigned to them at the table, were the chamberlains, associated with the duties of the treasurer, the constable who witnessed documents and paid allowances and other forms of expenditure, and the clerk who kept the tally of the debts. Henry II. appears to have added two new offices, which were held by the bishop of Winchester and a Sicilian expert, Master Thomas Brown, the king's chamberer. The Upper Exchequer was the king's court of finance, but as the author of the *Dialogue* observes, its importance did not consist in merely auditing accounts, but in its knowledge of the different sources from which revenue is drawn, and in the right held it maintained over the sheriff¹. The Exchequer met twice a year, usually—as it would appear—at Winchester², but sometimes in London and other towns³. At the first session held at Easter no formal account was rendered, but a "view of the account" was taken, the sheriff set forth the disbursements he had made on the king's behalf. At Michaelmas the "census" or complete account in all its details was entered upon the rolls. On each occasion the sheriff paid in one half of his account, and this was known as the "payer"⁴.

22.
Working
of the
Exchequer
system

23.
The
computation
of money

The working of the Exchequer system can best be illustrated by concentrating attention on those main points: (i) the computation of money; (ii) the methods of payment; (iii) the issue of receipts.

(i) The arithmetic employed at the Exchequer was a system of calculation based upon the shroten. A rectangular board was covered with a black cloth ruled with white lines a foot apart. The *Dialogue* only mentions the vertical lines running in columns, but it is clear that the board contained also horizontal lines⁵. The division of the board

¹ *Dialogue de Scaccario* (Oxford ed. 1890), I. iv. p. 46.

² *Ibid.* I. iv. p. 46. Under Henry II. the treasury was permanently moved to Winchester. *Reynold, The Governance of London*, 84.

³ *Dialogue*, *Intro.*, 41.

⁴ *Ibid.* II. ii. p. 121.

⁵ *Ibid.* I. ii. p. 40. For the matter Exchequer and the Exchequer house, see *Medieval Exchequer*, 107. *Reynold Governance*, 84 (n. 1). Hall *Antiquaries of the Exchequer* (1895), 112. E. L. Poole, *The Exchequer in the Twelfth Century* (1907), 100. C. H. Waddington, "The Account and the King's Court" in *English Hist. Review*, xxvii. 101 (p. 10). Contrast *Contemporary English Industry* i. 136 (n. 1).

into squares gave it the appearance of a chessboard, and from its chequered cloth the Exchequer took its name. The system of the abacus contained no zero; and in ordinary calculations the parallel columns of the board were employed for units, tens, hundreds and other denominations. For the purpose of monetary calculations, however, the system underwent a necessary modification. The first column stood for pence, the second for shillings, the third for pounds, the fourth for scores of pounds, the fifth for hundreds, the sixth for thousands, and the seventh (not used) for tens of thousands¹. The calculation was worked out by means of counters and the result was then recorded in writing. At the foot of the table sat the calculator, who—as the different items of the sheriff's account were enumerated—placed counters in the proper columns. Counters inserted on the upper portion of the board denoted the sum of money owed by the sheriff, and counters on the lower portion denoted disbursements; the accounts were then easily balanced, and the surplus or deficit ascertained at a glance². The value of the counters depended on their position inside the columns. According to the account given by Robert Records³ in 1743: "For the pence a single counter above the units signifies 6d. In the shillings [and other columns] a single counter above the units on the right signifies 5, and a single counter on the left 10". A sum of £108 : 19 : 11 would appear thus:

£100 (= one score)	£10	10s.	12d.
.	.	.	.
.	.	.	.
.	.	.	.

¹ *Dialogus*, l. = p. 45.

² Mr. Foote (p. 107, 131, has pointed out that "the form in which the account of the farm is given up . . . is apt to create difficulty to those who begin the study of the pipe rolls." "And he goes on to state, 'it seems that the sheriff has a balance over on the long's account so must paid expenses for the forthcoming year.' " And, he has a surplus "supplies" then the sheriff has paid out on the long's behalf more than he has received, and will make good the deficit from the next year's account, thus the balance is against the Exchequer."

³ *Dialogus*, *Introduct.* pp. 47.

(a) The
method of
paying money

(a) In the time of the *Dodgus* two distinct systems of payment were in operation at the Exchequer, payment by tale (tensure) and payment by assay (blanch). We have to remember that the currency was generally below the legal standard of weight or fineness, and the sheriff was required to make good the deficiency. Where payment was made by tale it was counted out, but it was first necessary to ascertain how many pence balanced the standard pound; accordingly a pound weight was placed in the scales and the money was weighed. If more than two hundred and forty-six pence were needed to strike the balance, the money was rejected as quite inadequate; otherwise the money was accepted, but the sheriff was required to pay an extra shilling in the pound. Thus the sheriff did not get the full allowance even if the actual deficiency of weight was less than a shilling. This form of payment covered the king's revenue against loss from the wearing and clipping of coins, but not against false coining. The device here adopted was to submit the money to an assay, and all payment made in blanch money was tested by a mechanical process. We have a very detailed though not altogether clear account of how the assay was conducted¹. A piece of forty-four shillings was set aside; from these twenty were taken for the purpose of the test. The matter purified the silver, and after the removal of the dross the loss arising from the assay was met by the sheriff. It is evident, though the *Dodgus* is silent on the point, that the assay was not intended to reduce the money to its value in pure silver entirely free from all alloy². Standard silver was not pure silver, but silver with eighteen dwts. of alloy to the pound³. If pure silver had been demanded at the Exchequer, the sheriff's deficiency would never have fallen below eightpence in the pound, whereas on the contrary an increment of twopence was considered sufficient whenever an assay, for whatever reason, was indispensable. There are traces in early times of two other methods of payment at the Exchequer—of

¹ *Dodgus*, I. iii. p. 69.

² *Ibid.* *ibid.* p. 69.

³ *Ibid.* p. 69. Cf. *Thorpe*, "The Sheriff's Piece," in *Trans. Royal Hist. Soc.* N.S. ser. viii.

pesetas and *ad scales*. When money was paid *ad pesos* it was weighed, and a variable deduction was made according to the deficiency revealed by the scales. When money was paid *ad scales* a vintage payment was offered of expenses in the pound. This is regarded by Madon¹ as a form of payment by weight, where to avoid the trouble of weighing the deficiency was averaged at a fixed rate of expense. To all appearance, however, payment *ad scales* was really *blanch* payment, a fixed deduction of expense being made in lieu of a true assay. At any rate, the Exchequers² of Henry I. use the term *ad scales* as equivalent to *blanch*. Later the rate of payment for *blanch* money, where an actual trial by fire (probes) did not take place, was raised from sixpence to a shilling in the pound.

(3) The payment of money was receipted by means of official instruments called *tallies*. The tally was a stick, usually made of hawthorn, upon the edges of which the sum of money paid was cut in notches. On the lower edge, towards the holder of the tally, the incisions denoted the larger denominations, and on the upper edge the smaller denominations with the pence as the right-hand end. The stick was split through the incisions almost to the bottom, and a portion retained by each of the parties to the transaction. The sheriff kept the stock (stipes), the tally proper with the stump or handle attached to it, and the Exchequer held the counterfoil, the flat piece stripped off the tally. The tally was not without merits, for "as a financial instrument and evidence it was at once adaptable, light in weight and small in size, easy to understand and practically incapable of fraud . . . a handy and durable form of receipt"³. The use of tallies was abolished in 1583, though they did not disappear completely until 1826. A recent discovery has brought to light the Exchequer tallies used in the thirteenth century; and this has made it possible for the first time to describe the Exchequer tally from actual specimens. The tally was cut according to definite rules⁴. A thousand

¹ Madon, *Exchequer* 185.

² *Monet. Concinnus* 23, 25, 26.

³ H. Jackson, 'Exchequer Tallies' in *Archæologia* 103, part 2, 366.

⁴ Jackson, *l. c.* p. 34.

pounds was marked by a cut as thick as the palm of the hand, a shilling by the breadth of the thumb, a score by the breadth of the little finger, a pound by the breadth of a grain of ripe barley, a shilling still less, and a penny by a single incision, nothing being cut out of the wood.

The origin
of the
Exchequer

We have now to consider the difficult problem of the origin of the Exchequer. We cannot regard it as a single homogeneous institution native to English soil, or transplanted bodily from the continent. Its composite character and complicated machinery serve to make it clear that the constituent elements in its formation were not created at one stroke, but came into existence separately. The questions to be resolved affect three characteristics: (i) the constitution of the court, (2) the monetary system, (3) the methods of calculation.

The
possible date
of its origin

(i) The existence of a central department of finance in England before the Norman Conquest may perhaps be taken for granted, for a system of finances is the first condition of organized government. We have, however, no information as to its constitution nor even as to its name, for the term "Exchequer" is never applied to the king's treasure.¹ In Domesday there is mention of Henry the Treasurer, who had a house in Winchester "in King Edward's time", but it is not stated that he was treasurer before the Conquest.² The Editors of the *Dialogus de Scaccario* regard the Treasury of Receipt as the older part of the Exchequer and as the successor of the Anglo-Saxon treasury, while they regard the Upper Exchequer as originally imported from abroad.³ This conclusion is based upon the identity of the staff of the Upper Exchequer with the staff of the king's household placed in charge of the financial administration, and "the constitution of the household is clearly of French origin". There are signs, however, that the officers of the household already existed at the days of Edward the Confessor⁴ and the staff of the Upper Exchequer may also therefore have been organized before the Norman Conquest. But with

¹ *Dialogus de Scaccario*, 11.

² *The County of West Hamphshire* i. 491-492.

³ *Dialogus de Scaccario*, 14, 16, 27.

⁴ *Ernest*, "The Officers of Edward the Confessor", in *English Historical Review*, xiii. 398.

On modification it may now be less be true that the organisation of the Exchequer was originally imported from abroad, for Edward introduced many foreign practices and employed Norman officials.

[8] With regard to the forms of payment we can speak with more certainty as to the date of their introduction. The account given by the author of the *Domesday* runs as follows: "According to the tradition handed down to us by our fathers, in the early state of the kingdom after the Conquest, the lords used to receive from their manors not sums of gold or silver but only provisions, from which were supplied the daily necessities of the lord's household. . . . This system then prevailed during the whole reign of King William I. and down to the time of King Henry his son; so that I have myself met people who have seen provisions brought to the court at appointed times from the royal manors." An allowance was made for these to the sheriff. "But as time went on, when King Henry was engaged abroad or in remote parts of the country in suppressing rebellion, it became necessary that he should have coined money for his expenditures. And at the same time there poured into the king's court crowds of complaining husbandmen, or—what was more disagreeable to him—often met him as he journeyed, holding up their ploughshares as a sign that agriculture was decaying. . . . Accordingly the king, moved by their complaints, acting on the advice of his magnates, sent through the kingdom men whom he knew to be wise and fitted for the work, in order that they might visit and inspect each manor with their own eyes and then estimate in money the value of the payments in kind. And they arranged that the sheriff of the county should be responsible to the Exchequer for the total amount due from all the manors in the shire"¹. But since the currency was liable to depreciation the sheriff was compelled to make extra payment 'at a scale' (*ad scalum*) of expense in the pound. The next step was taken when the farm was required to be paid also by weight (*ad pondus*). These provisions were valid in regard to the number and weight

—2 17.
—3 17.
—4 17.

¹ *Domesday*, I, 201 p. 16.

of the coin but not in respect of their quality, and this involved the assay. The general trend of argument here advanced appears likely enough. We start from a time when the king's revenue was paid in kind, and tenants on the royal domains were directly called upon to contribute supplies for the maintenance of the king's household. The drawbacks of this cumbersome system in which taxes were paid in kind led to the adoption of a new expedient, and gradually payments in kind were superseded by payments in money (*monnaie*) for which the sheriff became responsible. The deterioration of money, however, resulted in deficiencies of weight and fineness, and first payment by weight and then by assay became the practice. But as an historical statement the *Dialogue* contains three serious errors. In the first place the 'blanch' system—by which money was paid in minted or tested silver—was not unknown before the Norman Conquest. It may have been unusual and confined to the king's lands, but the testimony of *Domesday Book* is conclusive evidence that, however rare, it was not a reform invented by King of Salisbury¹. In the second place the valuation of payments in kind in terms of money was not the work of Henry I., but can be traced to the reign of the Confessor². Many rents doubtless continued to be paid in kind³, and heavy payments especially survived, but they were all valued in money. The tenants of the royal domains were burdened with an obligation known as the *ferme* which was to provide supplies for the royal household for one or more days in the year, and this *ferme* was already commuted for silver and definite sums, apparently eighty pounds⁴. In the third place the *ferme* consisted, the system by which the sheriff turned the revenues of the shire and paid a composite sum into the Exchequer, did not originate in the twelfth century but was already familiar in Saxon

¹ *Record Commission*, 58. *Plot. County Hist. Wiltshire*, i. 419. The statement in the *Dialogue* (l. vi. p. 49) is contradicted by the Evidence on Feudal Culture.

² *Record Commission*, 49.

³ As 'Southampton payment in kind was still accepted regularly' 'if merchants could pay for every bale of spices one pound of merchandise at the value thereof'. *Cost Book*, in pp. 100. and 1.

⁴ *Feudal Exchequer*, 10.

times.¹ All this, however, does not exclude the possibility that important changes were instituted after the conquest of Normandy. The Pipe Roll of 1130 shows that the system of March payments had ceased to be exceptional and was now fully established. Again the form of the shilling seems to have been revealed, but it is doubtful if we can assign definite dates to the different changes which took place after 1066.²

(3) The arithmetical system of the Exchequer, the method of calculation by means of the shanon, was almost certainly of foreign origin. Some doubt has been expressed on this point³, but the Anglo-Saxon system of reckoning was duodecimal, the unit of land was the long hundred (*longa centena*) of measures, the pound contained 240 pennies, and the pound's weight was twelve ounces. Now the shanon was a decimal system, and the substitution of one system for the other involved a real break in the continuity of the Treasury. The revolution transformed the Exchequer and opened up a new stage in its development. The *Exchequer* tells us that the old name for the Exchequer was *tallies*; in other words, financial business was at first conducted and accounts were kept by means of tallies and later by the chequered cloth. The substitution of a new arithmetical device in the mode of accounts, the counting of money on a squared table, completely reversed the existing system and introduced the Exchequer, as we now know it, into England. When the shanon was adopted at the Treasury we cannot determine. It is at any rate clear that a change as drastic was not a gradual process, but the achievement of some individual.⁴ The reign of Henry I is the most likely period, and it has been conjectured that Adolard of Bath, an Englishman who studied at Laon in France and wrote a treatise on the shanon at the beginning of the twelfth century, introduced the system into England. Shortly

The
method of
calculation.

¹ *David, Commerce*, 25. For *Curry and Remittance* 1, 101.

² *Shannon, Talbot*, 31. The *Exchequer* (p. 31) suggests 1100 as the date when money payments were introduced at the Exchequer, and 1112 when they were made all payments through the Exchequer of each method did not "necessarily coincide with its invention."

³ *David, Exchequer, Studies Supplementary to Volume 1*, 39.

⁴ Cf. *David, Commerce*, 31. *David, Exchequer*, 39.

afterwards the system was also in operation in Normandy, and the conclusion would seem to follow that the Exchequer passed from England to Normandy, and not conversely. In any case, however, the men who established it in England were not Englishmen, for the ministers of the Norman kings were of an alien race.¹

*See
chapter*

We can now state the conclusions which have been reached as to the antiquity of the English Exchequer. The Lower Exchequer can be identified definitely with the Anglo-Saxon Treasury, and we have clear evidence also that many features of the Exchequer system existed at an early date; the valuation of the royal rents in money, the form of the shires and the different standards of payment, whether tested, counted or weighed, can all be credited with a pre-Conquest origin. Moreover, the employment of the assay involves the further assumption of a fairly elaborate machinery by which money was weighed and tested. Again, we cannot be certain that the financial staff of the Upper Exchequer did not already exist in the reign of the Conqueror. But in any case the really characteristic feature of the Exchequer, the employment of a new system of audit based upon the chequered table and the abacus, constituted the decisive change which differentiates the Exchequer from the older Treasury. The Exchequer in the strict technical sense as a court of audit of accounts was to all appearance the work of Henry I., and we need not hesitate to regard it as of foreign origin. Whether the abacus was intended for the benefit of unlearned sheriffs, as Dr. Round thinks², or whether it was a specialised device only employed by skilled calculators, as the Editors of the *Dialogus* suppose³, does not appear to affect the main conclusion as to the date of its introduction.

*Source of
Froese
opinion*

The Norman Conquest opened up a new epoch in the history of English taxation. The Conqueror's system of government exhibited a statesmanlike grasp in its preservation of all that was best in Anglo-Saxon institutions, combined

¹ See Ashford, *see Froese, Exchequer*, c. 2, c. 37 seq., and C. H. Haskins "Ashford of Bath", in *English Med. Soc.*, xxvii, 290 seq.

² Round, *Commissary* 71, 72.

³ *Dialogus*, introd. 40.

with all that was sound in Norman institutions. William I. associated in his person all the powers of national monarchy together with those of feudal sovereignty. As the successor of the native kings and father of his people, he retained Danegeld and the tithes derived from the royal estates; as the supreme landowner and lord of his people, he added feudal imposts. The various fiscal devices incidental to fiefdom, aids, reliefs, cartages and the rest, constituted an important source of income, but we shall confine our attention to other branches of Crown revenue: (i) taxes on movables, (ii) custom duties, (iii) profits of pardons, (iv) penalties on wary.

In the twelfth century a new and revolutionary exponent of taxation was devised, the taxation of personal property. It was first introduced in the reign of Henry II., when a fractional part of every man's movables—known as the *Salutis Tithe* (1188)—was granted for a Crusade. On this occasion the tax was levied for an ecclesiastical object; it was first applied to secular purposes under Richard I., when a grant of one-fourth was granted for the king's ransom. The amount of the tax varied for a time, but ultimately it was settled at a thirtieth in the case of a county and a tenth in the case of a town. The liability of the tax-payer was determined when necessary by a jury of assessment. The procedure in 1188 was set forth in the injunction that "if any one in the opinion of his neighbours gives less than he ought, let four or six lawful men be chosen from the parish to state on oath the amount which he ought to have assessed, and then he must make good the deficit"¹. But in 1192 the attempt to levy the thirtieth and tenth provoked considerable friction. Whether the assessment in this year was made more strict or not we cannot say, but the commissioners were accused of unfairness and fraud. In the nature of things a direct tax arouses opposition, and the tendency of a government is therefore to follow the line of least resistance by adopting a nominal and varying assessment. Accordingly, in 1194, the commissioners² were empowered

From the
1188-1194

¹ The *Constitution of the Salutis Tithe* is quoted in H. Dutton, *History of Taxation and Taxes in England* (1888), I. App. I.

² *Ibid.* I. Bxvii.

to bargain with the towns and the counties as to the composition which they were prepared to make in lieu of new assessments. The localities undertook responsibility for the payment of a definite sum of money, and then apportioned this amount among the contributors within their jurisdiction. Hereafter the old machinery of assessment and collection was abandoned, and a new method adopted by which every district was burdened with a fixed responsibility. The amount raised in 1334 was between £18,000 and £19,000, and hereafter "a fifteenth and a tenth was practically a fiscal expression for a sum of about £50,000".¹ A new basis of taxation had in fact been established. A fractional grant of a fifteenth or tenth of a man's movables ceased to bear any relation to his actual resources, but implied a definite sum of money levied upon the locality in fixed and unvarying proportion. When more than £20,000 was required parliament made a grant of several fifteenths and tenths, and when less sufficed half a fifteenth and tenth would be voted. Ultimately the change was something more than a mere alteration in the form of the tax. During the fourteenth and fifteenth centuries the prosperity of different parts of the country rose and fell, many of the older boroughs declined, and new centres of wealth and activity took their place. The settlement of 1334 became totally inadequate, but the effort to institute new methods of taxation was foiled by the inveterate repugnance of Englishmen to fiscal innovations. The results which followed the poll-taxes under Richard II. did not encourage the government to devise new financial expedients, and the old system was retained throughout the Middle Ages. It was impossible, however, to ignore the complaints of decayed towns upon whom the burden of taxation, once perhaps lightly shouldered, now pressed heavily, and exemptions were made for their relief. After 1430 the grant of a fifteenth and tenth was expressly accompanied by a remission in their taxon amounting at first to £4000 and subsequently to £5000. In 1463 another departure was made, and a fresh concession allowed by which all persons, whose real property fell below

¹ *English Taxation*, i. 47.

as several values of ten shillings or personal property below five marks, were exempted from the tax.¹

The system of *tithe* and *taxes* continued during the sixteenth century, but side by side with it there also grew up under the Tudors a new form of taxation known as the *Solsid*, which supplemented but did not supersede the existing taxes. In 1514 a general subsidy of sixpence in the pound was granted, and the practice became common; while in 1521 a full subsidy, as it was called, of four shillings in the pound on lands and two shillings and eightpence on goods was made. In 1527 the 'full' subsidy yielded only £80,000, a sum notoriously out of all correspondence with the real wealth of the country. Sir Walter Raleigh stated a vigorous protestation against this under-assessment: "Our estates that be £30 or £40 in the queen's books are not the hundredth part of our wealth"², and Bacon also asserted that "the more gentlemen over the lower books of subsidies."³ The fate which had befallen the *tithe* and *taxes* overtook the subsidy. The highest recorded amount produced by a subsidy was £120,000⁴, but the assessment for each locality grew fixed once and for all, and a subsidy became 'a fiscal expression' for £80,000. The words applied in 1380 by a Venetian⁵ to the older tax could be applied a century later to the subsidy: "this title is not taken according to the real property of either the clergy or the laity, but by an ancient assessment of the kingdom". Whenever a larger sum of money than £80,000 was needed, a number of subsidies was granted simultaneously.

Another branch of the royal income in the Middle Ages was the *customs-rent*. Their early history is obscure,⁶ and it is difficult to discover the principle upon which they were originally created. One authority⁷ would regard customs as in the nature of a fee offered by merchants to obtain the king's protection; the toll is represented as a

¹ Domes. Taxation, i. 115 (1132), 120 (1232).

² *Ibid.* i. 120 (1521), 121 (1522), 122 (1527), 123 (Raleigh's protest, 1527).

³ Bacon, Works, vi. 34. Taxer subsidies should not be confused with custom subsidies: *Ibid.* p. 303. ⁴ Domes. Taxation vi. 21. ⁵ 1380.

⁶ *Customs, History of England*, 24. ⁷ Domes. Taxation i. 35.

premium paid for insurance against molestation or injury. An alternative view¹ traces the customs to the vague and undefined rights of prerogative, which the king was supposed from the earliest times to exercise over his people. The obligation of the subjects to maintain the king's household gave rise to a privilege of pre-emption or purveyance, by which the royal officers could purchase supplies for his entourage at their own price. This in practice tended to become a tax in kind, and from it was developed by an extension of the principle the further right of appropriating a portion of all merchandise exported from or imported into the kingdom. The next step was taken when requisitions in kind came to be commuted for payments in money levied on a percentage. This was part of a general process of development from a natural to a money economy, which had already made considerable progress before the Norman Conquest. But the uncommuted toll survived in the case of wine, for which native merchants paid *primage* in kind.²

Customs
and taxes.

At first the exactions levied by the Crown upon native or foreign commodities were arbitrary, but gradually they became fixed and definite. *Magna Carta* ordered that customs dues should be reasonable³ (for *antiqua et recta customariorum*), but the vague injunction was no restraint upon a needy monarch. However, between 1215 and 1275, a recognized scale of duties was established⁴. It became 'customary' to take half a mark on a sack of wool, a mark on a hat (twelve denarii) of hides, and threepence upon a pound of lead or tin. There was also a *costa price*⁵ of wine, one mark or two at the most for every canga. These rates constituted the *Antiqua Custumae* which were ratified by parliament in 1275, and any custom was called a *maltoite* and valued appertenance. The *maltoite* sometimes amounted even to forty shillings the mark of wool⁶, and this arbitrary levy unfortified by parliamentary sanction met with resist-

¹ Hall, *History of the Customs Revenue of England*, I, 58, 62.

² Hall, II, 30. ³ *Magna Carta*, c. 30. ⁴ See *supra*, p. 292.

⁵ Hall, *op. cit.* I, 66.

⁶ The *costa* of wine was the right of purchasing a fixed quantity of wine at a certain price which was below the market price.

⁷ And apparently a *maltoite*, the last or heaviest, but the term *maltoite* was applied thereby arbitrarily meaning. Hall, *op. cit.* I, 66.

ance. In the *Confoederatio* Cartaeus Edward I. was compelled to abandon his right of increasing the custom-revenue at will. The triumph of the baronage, the Church and the merchants, who had combined to force the king's hand, was at once a sign and a pledge of constitutional and economic advance. The native merchants were now protected from the arbitrary impositions of the Crown, though the king's revenue was still augmented, when need arose, by increased duties. But henceforth the increase was made by parliament, and the *multa* was replaced by the *subsidy*. Besides the *subsidy* on wool and leather, there was a *subsidy* on wine—imposed in addition to the *primage* in kind paid by natives and the *butlage* in money paid by aliens—called *tunnage*, and a *subsidy* upon general commodities known as *pendage*.¹

The king's rights over foreign merchants remained unaffected; and he was still in a position to levy undefined and irregular charges. However, aliens were not likely to come freely to these shores so long as their obligations were liable to capricious fluctuations, and it was also to the interests of a stable fiscal system that the custom-revenues should be settled on a proper basis. Accordingly in 1292 the king entered into an arrangement with merchant strangers, known as the *Carta Mercatorum*—the Magna Carta of foreign traders. This agreement² established the *Nova* or *Parva* Customs by which aliens were required to pay ten shillings on a sack of wool, one and a half marks (twenty shillings) on the last of hides, a 'butlage' of two shillings beyond the old custom on every tun of wine instead of the 'primage' levied in kind, two shillings upon every scarlet or cloth dyed in green, eightpence upon every cloth dyed partly in green, twelpence upon cloths without green and threepence in the pound on general merchandise plus the ancient custom. Although the new rates were heavier, they enjoyed two advantages over the *Antique Customs*: they were paid in money and covered

1292
1297, 1298.

¹ A *subsidy* represented an addition of so much as, per cent. *quid.* i. 72.
The *tunnage* and *pendage* were about = 40% and *Antique* and *Medieval*,
The King's Customs, i. 13.

² *Supra* p. 42, 10-11.

every kind of commodity. An attempt was made to extend the *Mare Cantuari* to native merchants¹, when the king tried to win their consent to the commutation of the privilege of wine. But the English merchants refused and displayed considerable antagonism to Edward's financial expedients, inspired partly no doubt by the lavish ostentations with which Edward had rewarded the complacency of foreign traders. The weakness of his successor proved their opportunity, and in 1300 they were suspended by Edward II. and in 1325 abolished by the Lord Ordainers on the ground that they encouraged the settlement of aliens and raised the prices of commodities. "Foreign merchants", complained the Ordainers, "abide longer than they were wont to do", and "things become more dear than they were wont to be"². Here the very charge is brought against aliens which was so often directed against native traders, namely, that they enhanced the prices of commodities. There was doubtless truth in the allegation that the new rates fell ultimately upon the consumer, and for this reason also parliament under Edward III. sought to check the king's practice of concluding separate arrangements with merchants. However in 1327 Edward II. regained his restoration to power by securing the *Mare Cantuari*, and they continued hitherto undisturbed. They were confirmed by act of parliament in 1353³.

*Profits
of justice
disputed.*

The profits of justice constituted an important source of Crown revenues. Among the ancient Germans a system of pecuniary composition for crimes was already in existence; and the community allowed the offender 'to buy back the peace he had broken' and make an atonement with a money fine. The fine was always twofold: the *bot* or payment to the injured, called *wergild* in the case of homicide, and the *wite* or payment to the king. A fixed scale of pecuniary penalties was evolved for all offences save treason, and the amount of the fine varied according to the status of the injured and the nature of the offence. The older penalties

¹ Domesday, Tenures, i. 27. Hall, *Customs Revenue*, 2. 101.

² Hall, *Customs Revenue*, i. 27, 32, and Appendix, vol. i. 27.

³ Strick, *Constitutional History*, 2. 303.

attached to wrong doing were completely superseded, whether ordinary, by which society made war upon the wrong-doer ; or the blood-feud, by which the law left the offender at the mercy of the wronged. " Subsequently the system of *bot* and *wite* died out, and was replaced by arbitrary assessments assessed at the discretion of the court. The growth of feudal tendencies in England was marked by the lavish alienation of Crown possessions, and grants of jurisdiction or the profits of jurisdiction were made to churches and individuals. After the Norman Conquest these tendencies received an immense impulse, and a struggle ensued between royal justice and private justice, in which the central court of the king gradually encroached upon the local courts until there was but one common law throughout the land.

The intervention of the Crown in provincial administration began with the movement to reserve criminal cases to the king alone as '*pleas of the crown*'. Once the monopoly of criminal justice was established, the next step was to summon civil cases to Westminster whenever the holder possessed the means of purchasing a writ, taking the case out of the lower courts for trial in the king's court. The reforms carried out by Henry II. completely reorganised the judicial system ; he established the *curia regis* upon a new footing and made important changes in the machinery of government. His work was inspired by a dual motive, the desire to weaken the old feudal baronage which for a century had menaced the Norman dynasty, and at the same time to augment the financial resources of his Exchequer. The king dealt a deadly blow at the feudal system because he struck at its foundation, the private courts, and his resolution was stimulated by the consequences that to transfer all judicial control into his own hands meant a great accession of revenue and power. Henry's design was to weaken the original courts by entering into competition with them for the acquisition of judicial business. He was the first king who made an organised effort to destroy feudal jurisdiction, and in order to accomplish this he admitted all suits to his own court. But to attract litigants to the central court it was first necessary to carry out reforms in legal procedure ;

*Feudal
reform of
Henry II.*

justice must be cheaper and more reliable if the people were to prefer it to the seigniorial court. The Crown obtained the monopoly of criminal jurisdiction in the Assizes at Chancery and Northampton, which ordered that all serious offences should be reserved for the king's judges who were enabled for this purpose even to enter private franchises. A system of writs was evolved, by which cases could be removed from a local court and tried in the king's court. Above all the inquest, that is, trial by jury, hitherto restricted to the king's own purposes, became the normal feature of legal procedure and a resource at the disposal of every litigant. The *curia regis* now ceased to be a court of exceptional resort confined to feudal tenants, and became an ordinary tribunal open to the whole realm. Its business became greatly enlarged, and Henry made various experiments to place it on a proper footing, and to give it a suitable organisation with a definite composition and settled places and times of meeting. The most decisive result, perhaps, was the spread of common law, but here we are only concerned with his work in so far as it has a financial bearing. Henry's methods of government were decidedly autocratic, and in spite of the beneficial character of his reforms we can hardly hold that the despotism which he established was benevolent. The courts of law were turned into a vehicle for financial extortion. Fines were paid for speeding lawsuits, fines for delaying them and fines for stopping them², and Magna Carta expressed the demand of the nation that henceforth justice should neither be sold nor denied nor delayed.

Other writs drained the royal income from time to time. For a century after the Conquest a bitter struggle ensued between the Crown and the baronage, whose hopes of feudal independence were kept in check by the strong hand of the Norman kings. The real danger from the barons lay in their connexion with Normandy, which enabled them to justify a rebellion in England by stirring up revolt in the continental possessions of the English king. The real was met by expelling the great feudal nobles from their estates, or in default of a penalty as drastic by imposing very heavy

² *Medley, Despotism*, 264-265, 314.

fines.¹ Among the occasional windfalls to revenue may also be reckoned the forfeiture of usurer's chattels.² In Normandy during the twelfth century a usurer was allowed to distribute his property with his own hand before his death; but in the absence of any testamentary disposition all his property passed to the king, if he could be proved to have lent money on usury within a year of his death.³ In England, on the other hand, not only were settlements made in courts of law for excessive usury, but the Exchequer confiscated the chattels of those who lent money at interest. According to the doctrine laid down by Glanville, "the effects of a usurer, whether he make a will or not, belong to the king. Now it is not the practice for any one during his lifetime to be appealed or convicted of the crime of usury, but amongst other royal inquisitions it is usually required and put to proof who have died in this offence—by the oath of twelve lawful men. Which being proved in court, all the movables and chattels belonging to the deceased usurer shall be seized into the king's hands, without any regard to the person in whose hands they may be found. His heir is deprived of the inheritance according to the law of the realm."⁴ The arguments by which the prohibition of usury—that is, the exaction of interest however small for a loan of money—was supported, rested ultimately upon the teaching of the Gospel to lend, hoping for nothing again, and the dictum of Aristotle that money was barren and could not bear fruit.⁵ The doctrine of Aquinas based the condemnation of usury upon a distinction known to Roman law between absolute ownership and temporary possession. A loan of money was regarded as a sale in which ownership was immediately vested in the borrower, though the purchase price paid to the lender was deferred; hence to charge interest was to demand both the price of the commodity and payment for the use of it. Apart from the theory of

¹ *Pipe Roll*, 12 Hen. II. (first issue), 31. Collect also the use of *forge* (revenue account of Henry II. for Ireland) *forforge* 20 *signa*.

² *Pipe Roll*, 12 Hen. II. (first issue), 291.

³ *Calendar of Documents* (see France), 12th.

⁴ Glanville, *De Legibus*, lib. 1, c. 20.

⁵ *Medieval Justice* (*Disputed Money*, part 1, c. 2 and part 2, c. 2) has given an admirable exposition of the medieval theory of usury.

*Signs of
the growth
of the
money
market.*

nary, there remains the most important question as to the effects of its prohibition on society. The indications for forming an opinion are admittedly scanty, but the evidence as the whole appears to point to the conclusion that the economic development of the Middle Ages was retarded by the usury laws. To uphold the contrary opinion, which is the more widely accepted, it would be necessary to suppose that opportunities for employing borrowed capital were exceptional, and therefore that the usury laws did not affect the peasant, the artisan or the trader. But these assumptions are hardly tenable; in the thirteenth century there are unmistakable signs that men traded on borrowed capital. At Leicester "it was . . . agreed by the community of the gild that all who are in this gild . . . shall be able to share profits with all from whom they shall have borrowed money, to the half, the third or the fourth part of the profit, as shall best be arranged between the lenders and borrowers".¹ This ordinance referred to partnerships which were apparently legitimate², but it affords evidence that capital was certainly borrowed and employed for commercial purposes. Indeed in the wool trade, the tin trade and the cloth manufacture³, among the Staplers and the Merchant Adventurers, there was no lack of suitable openings for moneyed men to finance large undertakings. It is true that England was primarily an agricultural country, but the view that medieval rural society stood still for centuries shows an imperfect appreciation of actual conditions and is misleading. There was much more room for the investment of capital, even in agriculture, than writers have recognised. In the first place the self-sufficiency of village life and the character of local markets have been exaggerated⁴. In the second place agriculture and land-holding were becoming commercialised; there existed a land-market among the peasantry in which holdings or fractions of holdings were exchanging hands freely, while the domestic and waste were often leased—signs of considerable commercial activity⁵.

¹ *Records of Leicester*, i. 92.

² *Ipswich* had in 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 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Moreover, the customary system of tillage was breaking down under the gradual spread of enclosures and individualistic husbandry. In all these directions capital was needed for renting additional land, stocking it with cattle, putting up hedges and buying out other men's rights of common. Even in the fourteenth century there was a quickening of economic life and rural activity, although it becomes more marked in the fifteenth century. No doubt over a great part of England there was complete stagnation, and the customary routine of agriculture remained unbroken. This does not affect the contention that in agriculture, industry and trade there were glimmers of economic progress and opportunities for capitalist enterprise and productive expenditure. No doubt the rates of interest were high, but this was directly due to the mistake of condemning all interest instead of excessive interest. Where the taking of any interest at all was a crime, the lender required a substantial inducement to face the risk; and when money was lent secretly the borrower was the first to suffer. The free play of competitive forces would have reduced the rate of interest to a fit and proper level, and merchants could have been trusted to protect themselves from oppression. The careers of men like William de la Pole, Thomas de Melchburn and Walter de Cheriton, who lent money to Edward III,¹ revealed the existence of a native body of financiers in the fourteenth century, whose banking operations were largely if not entirely excluded from a fruitful field of investment, unless they were prepared to share in the risks of commercial speculation. Even in the twelfth century we meet with William Cade,² a Christian usurer, the first one known to us who worked on a large scale; we might almost call him the first English financier of whose record has been found.³ An act was passed against usury in 1247⁴, but in 1253 it was stated that statutes against usury had been "of little force and effect", and they were therefore repealed, interest

¹ R. H. Carr, *The Financing of the Hundred Years' War* (1911), 100; A. Lane, "The English Moneylender (Usurer)", in *Trans. Royal Hist. Soc.* N.S. vii, 25; H. F. Brown, *English Merchants* (1929).

² Jankelson, "William Cade" in *English Hist. Review* xiv, 209.

³ *Ibid.* 210.

wood, there is none they (the dealers) will buy, for they have you want money, and without they might have it half for naught they will buy none". She sends to her husband all she can muster, a sum of three or four shillings. But with the accession of Elizabeth, England entered upon a new stage in her national development and the merry laws lurked dimly, completely before the great expansion of her industrial and commercial activities.

ACTHORIZITIS

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